



To the reader.

¶ When I had printed the booke longynge to
a Justice of the pees/togeder with other smal
bokes very necessary / I bethought me vpon
this booke of Huruepence/compiled sometime
by maſtre Fitz herbarde/ how good/and how
profitable it is for al ſtates/that be lordes and
poſſeſſioners of landes / and for the holders
or tenauntes of the ſame landes/to haue dayly
in hande to knowe/and beare awaye the con-
tentes of the ſame booke/and alſo how well it
agreeth with the argument of the other ſmall
bokes, as court baron, court hundred/ & char-
tuary/ I went in hand & printed it in the ſame
volume that the other be/to binde them
all to gether. And haue amē-
ded it in many
places.



The table of this
booke.



First the prologue of the au-
thour/for the declaracyon of
this present treatyse. fo.1.

Of castelles & other buyl-
dynges/what the walles/ the
tymbre/ the stone/ the leed/ the
sclate the tyle, or other of co-
uerpynges is worthe by the yere/ aswel within
the walles as without. And also of gardens/
curtylages, donehouses, & all other profytes
be worthe by the yere. Cap.1. fo.4.

How many feldes are of the demayns/ and
how many acres are in every felde/ & what an
acre is worth by the yere. Cap.ii. fo.5.

How many acres of medowe are of the de-
meyns & how moche every acre is worth/ & to
what maner of catel it is most necessary vnto
& how many beestis it wyllynde, and what
the pasture of a beest is worthe by the yere.
Cap.iii. fo.6.

Of forrayne pastures that be comen, how
many & of what maner of catell the lord may
haue in the same, and what the pasture of a
beeste is worth by the yere. Cap.iiii. fo.7.

Of parkes & demeyne woodes/ the whiche
the lordes may asserete and to do his profyte/ &
howe many acres they contayne/ & what the
besture of an acre is worth/ & what the grounde
is worth whā the besture is falle. Ca.v. fo.8.

Of forren woodes where other men haue
comen/ whether the lord may improwe hym
selfe

The table.

celse therof, and of how many acres, & what the vesture of an acre is worth, and what the ground is worth whan the woode is fallen / and howe many acres they contayne / & what an acre is worthe by the pere. Cap. vi. fo. cob

C Of.iiii. maner of commons. fo. 9.

C Whether the lord may gyue or sel the respy due of his forreyn woodes / & what such gyft or sale is worthe. Cap. vii. fo. 10.

C Of panage and herbage of the towne / and of all other profytes of pooles / meynes / & ryngynge waters: of moores, heythes / & wastes, what they be worth by the pere. ca. viii. fo. 11.

C Of mylnes severall fylmynges, & common fylmynges, what they be worthe by the pere. Cap. ix. fo. 13.

C Of fre tenautes, the which dwel without as wel as within. Ca. x. fo. 14.

C Who be free tenautes and what landes & tenementes and by what fees they holde and by what scrupce, whether by soccage or by knight service or other maner / and what rent of thilke they gyue by the pere, and who holdeth by chartour / and who by Auncient demeyne, and who by newe scoffment. Cap. xi. fo. 15.

C Of surrendres of landes holden by the parde. fo. 18.

C How the steward shal deliuer scab. fo. cob

C The maner of the tenautes othe. fo. cob.

C Howe the coppe shulde be made of landes holden by the parde. fo. 19.

C An other forme for certayne rent. fo. cob.

Art.

The table.

A recognition of a ternaunt.	fo. eob.
A forme of a coppe en auncien demene, where proclamations shulde be made.	fo. 20.
The forme of a coppe en auncien demene, where the wife shalbe examined.	fo. eob.
Another for terme of lyfe.	fo. 21.
Another forme vpon condicion.	fo. eob.
A maner of surrendre made to the haply out of the courte.	fo. eob.
Where the lord graunteth a coppe of his spe- cial graunte.	fo. eob.
Another maner for terme of yeres where the lord shal kepe reparation.	fo. 22.
Another maner/where a man pretendeth a title, and after releaseth in the courte.	fo. eob.
A forme where the heire is admitted to his lande after the dethe of his father.	fo. eob.
Another forme of landes tappled with a res- mayndre ouer.	fo. eob.
Another maner for terme of lyfe with a res- mayndre ouer.	fo. 23.
A surrendre out of the courte, & a remayn- dre with a condicion.	fo. eob.
A supplication to be exempt from al inques- tis & iuries with in the lordshipp.	fo. 24.
The othes of all maner of offycers gene- rally.	fo. 25.
The othe of a Denisyn.	fo. eob.
The othe of a seroure.	fo. eob.
Of those free ternautes that serwe in the court of the countie/ & who serweth nat, and howe moche falleth to the lord after the de- cesse of suche ternautes. Ca. xii.	fo. 26.
3	Howe

The table.

How many customary tenauntes there be and howe moche euery of them holdeth / and what workes and customes they do, & what the workes and the customes of euery tenaunt is worthe by the yere, and howe moche rent euery of them payeth / ouer the customes and workes and of bonde men. Cap. xiii. fo. 30.

Of cotpers / what Lotages and curtillages they holde and by what seruice / & howe moche rent they pay by the yere. ca. xiiii. fo. 32.

Of perquesytes or profytes of countyes / of courtes / and of foirestes / what they be worthe. Capl. xv. fo. eod.

Of churches that belonge to the gyfte of the lord / howe many there be and where they be / & what euery church is worthe. Cap. xvi. fo. 33.

What the herryottes be worthe / the seynes / exchetes / customes seruices / and foireyne warres : The ples & perquesytes of the courtes, synes / relefes / & al other thynges that may fall to the lord by the yere. Cap. xvii. fo. 34.

Explicit capitula statuti.

Of dyuers maners of takynge and doyng of homage and fealtie. Cap. xviii. fo. 36.

What a surueiour shuld do. Cap. xix. fo. 38.

Howe a man shulde vewe / butte & boude, the manere & the townshyppes. ca. xx. fo. 40.

How to butte & bounde the felde. Ca. xxi. fo. 43.

Howe to but and bounde the medowes. Cap.

The table.

Cap. xxii.	fo. 44.
How to butte and bounde pastures. Cap. xxiii.	fo. 46.
How to amende errable late. ca. xxiiii.	fo. 47.
Howe a dman Halle mende his medowes. Capit. xxv.	fo. 48.
Howe to amende and make better dyuers maner of pastures, and fyist of lowe grounde like medowe grounde. Cap. xxvi.	fo. 48. & 49.
How to amende ley grounde that hath ben errable lande of late. Cap. xxvii.	fo. 49.
How to amende busshy grounde & mossye, that hath ben errable of olde tyme. Ca. xxviii.	fo. 50.
How to amende busshy grounde that was neuer errable lande. Cap. xxix.	fo. eod.
How to amende woode groude, that lyeth in seuerall pasture. Cap. xxx.	fo. 51.
How to amende goistly grounde that hath ben errable lande. Cap. xxxi.	fo. eod.
How to amende goistly grounde that was neuer errable lande. Ca. xxxii.	fo. 52.
Howe to amende brome grounde. Capit. xxxiii.	fo. eod.
Howe to amende heyth grounde. Capit. xxxiiii.	fo. eod.
Howe to amende marrys grounde. Capit. xxxv.	fo. 53.
Howe to amende brome grounde & ferny. Cap. xxxvi.	fo. 54.
Of chylturne grounde, flyntie grounde, & chalke grounde. Cap. xxxviii.	fo. eod.
Of lime stonne groude. Ca. xxxviii.	fo. eod.
3 +	what

The table.

What profytes may come or growe to the
lorde by reasō of his waters.ca. xxxix. fo. eob.

Of dyuers maners of mylnes.ca. xl. fo. 55.

How to make a townshyp that is worthe.
xx. marke a pere, worth. xx. li. La. xli. fo. 57.

The authour.

Go thou lytel queare, with due reuerence
And with an humble hert, recōmende me
To al those/that of theyr beneuolence
This lytell treatyse, doth rede, here, or se
Wherwith I pray them/contented to be
And to amende it, in places behouable
Where as I haue fauted/or be culpable.

For herde it is, a man to attayne
To make a thynge perfyte, at the first syght
But whan it is reed/and wel ouer seyne
Fautes may be fōūde/that neuer cam to light
Though the maker w his diligence & might
Prayeng them to take it/as I haue intended
And to forgyue me/if that I haue offēded.

Finis.

The prologue.

I

The prologue of the authoure, for the
declaracion of this pre-
sent treatyse.



Alomon sapiētīe Primo. Om-
nis sapientia, virtus, honor,
dignitas, et quęq; scientia / a
domino deo sunt. This is to
say: al wysedome, vertue, ho-
noure/dignyte/and connyng,
are of our lord god. Than,

sith almighty god, our redemer & creatour, by
high wysedome, goodnes, liberalite, & puidēce/
in this transitorie worlde and myserable lyfe:
hath ordayned byuers estates and degrees in
his people and creatures, and some of them
aswel hath endowd with goostly and heuē-
ly wysedome, and distinde graces, as with
great honour, possessyons, and ryches, with
great gyftes and graces, as wel spirituall as
temporall. His highe cōmaundement char-
geth euery psonē, that is partaker of the said
gyftes or graces, charitably and discretely,
the same to distribute ad deupde amonge his
poore creatures, That euery poore persone,
that is wyllynge to laboure duely for his ly-
uynge, may haue therby conuenient helpe &
sustenaunce. And in as moche, as the great
estates, rulers & gouernours of this realme,
whome our sauyour hath so largely and boū-
teously rewarded, with all suche gyftes, pos-
sessions, and rychesse: haue accordynge to his
pleasure and commaundement / demysed, dis-

B I

stris

The prologue.

Atributed, and graunted to the creatures of god, and to theyr fermours and tenauntes, their seuerall possessions and inheritaunces, reseruyng to them for the same certayne rentes, customes, and seruyces / to sustayne and vpholde theyr honours and estates, as to the appertayneth, accordyng to theyr high giftes and graces, wherewith they be so largely endowed. And for the great zeale, loue, & comfort that I beare to the sayde fermours and tenauntes, and to al other goddes creatures: that they may more surely, easely and profitably encrease & sustayne theyr poore householdes, wyues, and chyldren: and also, truly to pay theyr rentes, customes, and seruices vnto theyr lordes, and the honours of theyr fermes and tenantrye: Of late by experyence I contriued, compyled / & made a treatyse for the same poore farmers and tenants, and called it the booke of Husbandry: the whiche me semed was very necessary for husbande men, that vse tyllage, and for manye other of dyuers degrees and occupations. And where, as in the prologue of the sayde booke, I demaunded and asked a questyon, & that was this. wher vnto is euery man ordayned, as playnly it doth appere, in the prologue of the same: In lyke maner in the prologue of this treatyse, the whiche I entende by the suffraunce and helpe of our lord Iesu / to cōtryue, compyle, and make to the profyte of all noble men and women, bothe spirytual and temporal, I demaunde another question,
and

and that is this. Howe, and by what manner do all these great estates and noble men and women lyue, and mayntayne theyr honoure and degre: and in myne opinion, their honoure and degre is vpholden and maynteyned, by reason of theyr rentes, issues, reuenues, and profytes that come of theyr maners lordshippes, landes and tenementes to them belongynge. Than, it is necessarye to be knowen howe all these maners, lordshippes, landes, and tenementes shulde be extended, surueyed, butted, bounded, and valued in euery parte: that the said estates shuld nat be disceyued, defrauded, nor disherpyed of theyr possessyons, rentes, customes, and seruyces, the whych they haue to them reserved, for mainteynaunce of theyr estates and degrees, and that there be no parcell therof lost nor imbeselde, and than may the lord of the sayde maners, lordshippes, landes, and tenementes, haue parfyte knowlege where the lande lyeth, what euery parcell is worth, and who is his freholders, coppe holders, customarie ternaunte, or ternaunte at his wyll. And what rentes, customes, and seruyce he ought to haue of the, with many mo articles, as hereafter shalbe declared. Wherefore it is necessarye, that euery great estate, both men and women of worshippe, that haue great possessions of landes and tenementes, shulde haue a surueyours, that can extende, but, and bounde, and value them. And therof to make a booke in parchement, bearynge a certayne

The prologue .

date, after the maner & forme as I shall make
an intitulinge, and to amende it where he ses
meth conuenient. *Quia facilius est addere
quam de nouo facere.* That is for to saye, It
is lighter to adde, resourne, or correte, than
for to make newe and perfite. And the Sur-
uepour to leaue the sayde boke made by him,
with his lord, in maner of a register, where
vnto the same Suruepour or another officer,
may alway haue resorte, whan nede shall re-
quyre, to loke vpon. And that boke so truely
made, may be a regyster and sure euydence:
that the lord, his freholders, coppe holders,
nor tenauntes, shal neuer lose landes nor ten-
tes, customes, nor seruices: but euery manne
that redeth the boke, shal perspytely knowe
where the landes lye, whose it was at the day
of the makynge of the sayd boke, and whose
it is. Than, if the owner make a true pee, de-
gre, or conueiaunce, by discent or by purchase,
vnto the said landes or lordshyppes. And spe-
cially, if the names of the lordes and tenauntes
that occupy, might be renewed ones in fourtie
or threescore yeres. For than it wolde be as a
perpetuall and sure euydence for euer, to put
away all stryfe and variaunce bytwene lord
and lord, lord and tenaunte, tenaunte and
tenaunte, in good quietnesse and peace. But
of one thyng I pronounce and declare, and
take god to my recorde: that I make this boke
(all onely) to thentente that the lordes, the
freholders nor theyr heyres shulde nat be dis-
heryte, nor haue their landes losse nor imbes-
celde,

The prologue.

3

selde, nor encroched by one from an other: to none other entente. And for that, I aduertise and exorte on goddes behalfe, all manner of persones, as well lordes as other: That whan the lordes or freholders, knowe where theyr landes lye, and what euerye pasture or parcell is worthe by the yere: That the lordes nor the owners therof, do nat heygthen their rentes of their tenauntes, or to cause them to pay more rente or a greater fyne, than they haue bene accustomed to do in tyme past. For as me semeth, a greater charyte nor almes dede a man may nat well do, than vpon his owne tenauntes. And also to the contrary, a greater bribery nor extorcyon a man can nat do, than vpon his owne tenauntes, for they dare nat say nay, nor yet complayne, and therfore on their soules go it, that so do, and nat on myne. Parauenture the lordes wyll say, it is nat his dede, it was his Surueyors, but that can nat be so/for saynt Augustyne sayth. *Qui per alium facit per seipsum facere videtur.* That is to say: he that commaundeth another man to do a thyng, he dothe it hym selfe. And there be two princypals in one acte wyng, and also he saythe. *Consenscientes et agentes pari pena puniantur.* That is to say, the consentours and the doers, shal be lyke punysshed. At grammar scole I lerned a verse and that is this. *Dū poteris, quid vis/possis cognoscere quid sis.* That is to say, whan thou mayst do what thou wylte, thou mayste knowe what thou

Am. Schmid to sig. 101

The prologue.

arte. That is to wytte, good by yuell. But for
a grounde of this treatyse, the whiche I do
note, and calle it the boke of Surueynge
and of improuementes, I do take an
olde statute named Extenta
manerii, as a principall
grounde therof:
as hereafter
ensueth,



Surweyenge.

Of castels and other buildynges, what
the walles, tymbre, stone, leed, slate, tyle, or
other of coueringes is worthe: as well with
in the walles as without. And also of
gardens, curtylages, douehouses
and all other profytes be
worthe by the
pere. &c.

Capitulo. primo.



Inquirendum est de castris,
et etiam aliis edificiis fossa-
tis circumdati quantū muri
et edificia ligna et lapidia,
plumbo, et alio modo coope-
rata valent, et pro quanto
appreciari poterunt secundū
verum valore eorundem muroꝝ et edifi-
ciorū. Et quantū edificia extra fossatis appre-
ciari possunt, et quantū valeant vna cū gardi-
nis, curtilagiis, colūbare, et oībus aliis exitib⁹
cū per annum. This is to saye in englyshe.
It is to be enquired of castels, and also of o-
ther buyldynges dyched about, what the wal-
les, the byldynges, tymbre, stone, leed, and
other maner of couerynge is worthe. And
howe they may be solde, after the very value
of the same walles and byldynges. And howe
moche the byldynges without the dyche may
be solde for, and what they be worthe, with
the gardens, curtylages, douehouses, and al
other issues of the courtes by the pere. To the
Declar-

Buruepence.

declatacyon and construcion of this statute
(me semeth there ought to be made a distincti-
on) for the statute goth generally. De castris
et aliis edificiis fossatis et circumdatis & extra
fossatis. These wordes go as well to those
castelles and other byldynges, that be wel by-
holden & inhabited, as wel as of those that be
fallen in decay, & not inhabited, & to those that
be inhabited. It is nat necessarie to be extēded
nor valedwed in any parcell: for lette a man
make a castell, towre, or any maner of newe
byldynges and fynysh the it clerely, if he shulde
go take it downe, and selle every thyng by it
selfe agayne, he shulde lose the more halfe of
his money. And therfore in myne opiniō, this
statute was made soone after the barones
warre, the whiche ended at the batayle of Es-
uesham or soone after, in the tyme of kynge
Henry the thyrde, where as many noble men
of blode were slayne, & many fledde, that af-
terwarde were attaynted for the treason they
dyd to the kynge. And by reason therof, their
castelles and maners were seased into the
kynges handes. And so for wante of repara-
cions, the castelles & the maners fell to ruyne
and in decay. And whan the kynge and his
counsaille sawe that, they thought it was
better to extēde them and make the mooste
profyte that they coulde of them, than to lette
them to fall to the ground, and come to no
mannes helpe and profyte. wherfore kynge
Edward the firste ordayned this statute to
be made the fourth yere of his raigne, wherein

Suruepence.

5

is contayned many and diuers chapters and articles, the whiche at that tyme was but instructions, howe & what they shulde do that were comissioners or suruepours in the same.

T First it is mooste necessary and conuenient to retaple and to sell euery thyng by it selfe, and nat al in grose, some to one man, & some to another. For that that is good for one mā, is nat good for another: and euery thing to be praysted & solde by it selfe, that is to say, The stone wall of one house by it selfe, the tymbre of the same house by it selfe, the couerynge by it selfe, the tyle, sclate, or leed by it selfe, the glasse by it selfe, the yron ware, as barres, bandes, hokes, boltes, staples, or latches, & all suche other by them selfe: doores, wyndowes, bordes, and all other thynges by the selfe, and to go fro house to house & sell euery thyng by it selfe, and than shall the trewe value be best knowen. And it is conuenient, that these thynges be offred to be solde to dyuers men, and to se who wyl gyue moost, and specially to sell whan men desyre to bye. Also to value, what the grasse of the gardens, curtis lages, courtes, & house places, that be within the ditchesse or without, be worthe by the yere. A curtylage is a lytell crofte or court, or place of easmente to put in catell for a tyme, or to lay in wode, cole, or tymbre, or suche other thinges necessary for household. Also to value the profite of the douehouse, if any be there, if it be replenished with douues.

B 5

Howe

Surneyenge.

Howe many feldes are of the demeynes,
and howe many acres are in euery felde,
and what an acre is worth by the
pere. &c. Cap. secundo.

Item inquirend est, quot campi sunt in
dominico, et quot acre sunt in campo, et quan-
tum valet quelibet acra per se per annum. It
is to be inquired, howe many feldes are of
the demeyns, and howe many acres are in e-
uery felde, and what euery acre is worthe by
the pere. This is a lyght letter, and nedeth but
lytell declaration, for by these wordes, quot
campi sunt in dominico, It muste nedes be
taken of feldes that be in tyllage or plowynge,
but it wolde be vnderstande, whether the de-
meyne landes lye in the comyn feldes amonge
other mens landes, or in the feldes by them
selve. And if they lye in the comyn feldes, it is
conuenient that they be plowen and lowen, &
than is nat an acre so moche worthe, as and
it were in seueraltpe inclosed, or in seuerall
pasture. For and the felde be inclosed a-
bout, than it is at the lordes pleasure, whe-
ther they shall lye to pasture or to tyllage, and
thoughe it lye in tyllage, yet hath the lord the
Edyshe & aftermath hym selfe, for his owne
catell. And therfore an acre is at the more va-
lue, and if it lye in pasture, the pasture may be
suche, that it is at double or treble the value
of the errable lande. wherfore the acres are to
be praysed accordyng, and if they lye by great
flattes or furlonges in the comyn feldes, it
is at

is at the lordes pleasure to enclose them, and kepe them in tyllage or pasture, so that no nother man haue commyn therin.

Howe many acres of medowe are of demeyns, and how moche every acre is worth, and to what maner of catell it is moost necessary vnto, and how many beestes it wyl fynde, & what the pasture of a beest is worth by the yere. Chap. iiii.

Item inquirendum est, quot acre prati sunt in dominico, et quantum quelibet acra valet ad locandum per se per annum, et ad cuiusmodi bestias et animalia pastura illa fuerit magis necessaria, et quot & quales possit sustinere, et quantum valet pastura cuiuslibet bestie et animalis ad locandum per annum.

It is to be enquired, how many acres of medowe are of the demeyns, & how moche every acre is worthe to set by the yere, and to what maner of beestes or catell it is moost necessary vnto, and how many it wyl fynde, and of what maner, and what the pasture of one beest is worthe by the yere. And in myne opinion, it wolde be vnderstand whether the medowes or pastures lye in comen medowes or comen pasture, at large or in seueraltie: For & it lye at large in the comen medowes, an acre is no better worthe than the grasse that the hey is made of is worthe, for after it is comen and of lytell value. And if it lye in seueraltie, it is worth halfe as moche agayne as the

Surueyenge.

as the grasse was worthe. And that highe
grounde & dyke, is most conuenient for shepe,
wode grounde and bushe for beestes, and spe-
cially in wynter tyme. Lowe groundes, me-
dowe groundes, and marishe groundes for
hey and after for fatte catell, and in wynter
for horses and mares, and meane groundes,
that is bothe hylly and dalve, as leyse & lowe
groundes, is good for al maner of catell if the
grasse be good & fyne, and specially for fatte
catell or fatte shepe, horses, mares, and yonge
coltes, for that grasse that onc maner of catel
wyl nat cate, another wyl. And therfore it is
good to haue a large close, that diuers maner
of catell may go togyther in it, and to knowe
what a beestes grasse is worthe by the pere,
that is as the pasture is/that he gothe in is
worth, and nat ouer charged with catel/ and
the fynenesse of the grasse, and the goodnesse
of an acre. For some acre of grounde is nat
worthe a peny by the pere, and some acre is
worthe. xl. d. and so a beestes grasse may be
dere ynoughe twelke pens in the pere, and it
may be worthe. xl. d. or fyue shillinges, and a
horse grasse or a mare grasse, maye be dere y-
noughe twelke pens or twenty pens by the
pere, and it may be worthe fyue shillinges or
a noble, accordynge to the goodnesse of the
pastures. But how these maners, landes, me-
dowes, and pastures shall be viewed/butted,
bounded, and valued, shall be reherfed, after
the statute be ons declared.

Of forren pastures that be commen, how many and of what maner of catell the lord may haue in the same, and what the pasture of a beest is worthe by the yere. Chap. iiii.

Item in quirend est, de pasturis forinsicis, que est communis, quot et quas bestias et animalia dominus habere possit in eadē, et quantum valet pastura per annū ad locandū. It is to be inquired, of forren pastures that is commyn, how many and what bestes and catell, and what the lord maye haue in the same, & what the pasture of a beest is worthe by the yere to let. This is a derke letter to be well vnderstande without a better declaracyon, for where he saythe, De pasturis forinsicis, que est communis, That may be vnderstode thre ways: for there is in many townes, where as they closes and pastures lye in seueraltie, there is commenlye a commyne close taken in, out of the commen or felde by tenants of the same towne, for they oxen or hyne, or other catell, in the which close every man is bynted and set to a certayntie, howe many beestes he shall haue in the same, and of what maner of beestes they shalbe. And if the lord shall haue any catell therein, he shulde be put to a certayntie, and of what maner of catell, and this pasture may be wel valewed. And also the beestis grasse, what it is worthe therein. But than it ought to be shewed, how many acres be contayned in the sayd pasture, & what every acre is worth, one with another

Surueyenge .

Another maner of comyn pasture, is moost
commonly in playne champyon countreys,
where their catell goth daily befoze the heerd-
men, and lyeth nighe adioyninge to their cō-
myn feldes, and it may lye in two or thre pla-
ces vj mo. And in these it is also conuenient,
that euery man be stynted to a certentie, other
by perdes, landes, or ganges, rentes, or suche
other customes, as the tenautes vse, and the
lorde in lyke maner. These comen pastures
may be extēded, howe many acres be in euery
parcell by it selfe, and what an acre is worth
by it selfe, but it can nat be so well knowen,
what a beestes grasse is worthe perely, for
they lye mooste cōmenly with the falowe fel-
des, and some falowe feldes be better thanne
some, and so a beestes grasse may be better or
worse. The thyrde maner of cōmen pasture,
is in the lordes out wodes that lye comen to
his tenautes, as comen mores or hethes,
the which were neuer errable lādes. In these
maner of cōmens, me semeth the lorde shulde
nat be stynted nor set at no certentie, but put
his catell vpon suche maner of cōmen pasture
at his pleasure, bicause all the whole comen
is his owne, and his tenautes haue no cer-
tayne parcell therof layde to their holdinges,
but all onely bytte of mouthe with their ca-
tell, and it were agayne reason to a byrdge a
man of his owne ryghte. But his tenautes
and euery mannes tenautes, me semeth
oughte of ryghte to be stynted what euery
man oughte to haue, goynge vpon all maner
of

of commens, for els wolde the ryche men in the begynning of Homer bye shepe and o-
ther maner of catell, and eate vp the comens,
and sell them agayne at wynter, or put them
in theyr pastures that they haue spared al the
Homer, and so ouerpresse the poore me, that
haue no money to bye nor able to reye.

Of parkes and demeyne woodes, the which
the lord may assarte and to do his profite, and
howe many acres they contayne, and what
the vesture of an acre is worth, and
what the grounde is worth whā
the vesture is fallen. *ic.*

Chap. v.

Item inquirendū est, de percis et dominis
cis boscis, que ad voluntatem suam possunt
assertare, et excolere et quot acre in se continē
tur. Et quātum vestura cuiuslibet acre pos-
sit appreciari, et quantum fundus in se contis-
neat et valeat quando prostratus fuerit, et
quantum valeat quelibet acra p se per annū.
It is to be enquired of parkes & of demeyne
woodes, the which at the lordes wyll may be
asserted and plucked vp, or fallen dwne, and
howe many acres are conteyned in them,
and for how moche the vesture of euery acre
may be solde, and how moche the grounde in
hymselfe conteyneth, whā the woode is fal-
len, and how moche euery acre is worthe by
it selfe by the yere. This is to be vnderstande,
of parkes & demeyne woodes, that be in seue
raltie,

Barnepege.

rairie, wherof the lord at his pleasure, may
assert, stocke up by the rootes, or falle by the
erthe, plowe and sowe to his moost profyte
as he wyl, And howe many acres of woode
are conteyned in the same. For in a parke or
wodde may be two hundred acres and more,
and yet nat paste a hundred acres therof wode,
lytell more or lytell lasse, and what the besture
(that is to say) the woode of euery acre is
worthe by him selfe, for one acre may be worthe
xx.s. or xl.s. & another acre dere ynoughe. ii.s.
vi.s. or x.s. and howe moche the hole grounde
conteyneth whan the woode is fallen. And
that is to be vnderstode, all the grounde with-
in pale or hedge, as well the lande grounde as
of the wode grounde where the wode growed,
and what euery acre is worthe by the pere, as
well of the one maner as of the other.

Of forren woodes where other men haue
commen, where the lord may improwe hym
selfe therof, and of howe many acres, and
what the besture of an acre is worthe, & what
the grounde is worthe whan the woode
is fallen, & howe many acres they
contayne, and what an acre
is worthe. Cap. vi.

Item inquirendū est, de boscis forinsecis
ubi alii communicant, quid de eisdem boscis
dominus se possit appropriare, et de quot acris
et pro quanto bestura cuiuslibet acre commu-
niter possit appreciari, et quantum fundus
valet

valet postq̃ prostratus fuerit boscus, et quot
acre iste contineant, et quantum quelitet acra
valet per annū. It is to be inquired of forren
wodes where they and other commyn togy-
ther, and what of those wodes the lord may
improwe him selfe, and of how many acres,
and for how moch the vesture, that is to say,
the wode of euey acre may be solde, and how
moche the grounde is worth after the wode
be fallen downe, and how many acres it con-
teyneth, and what euey acre is worth by the
pere. The declaration of this statute is doubt-
ful, bycause of the none certente therof, what
is sufficient comen: for it is clerely ordayned
by the statute of Merton, and after confir-
med by the statute of Wyltynyster seconde.
That the lord shall improwe hym selfe of
theyr wastes, wherby is vnderstande of their
commen mores, hethes, and wast groundes,
as well as of wodes. Thoughe the statute
speke but of wodes onely leauynge their te-
nauntes sufficient comen, the whiche in mine
opinion be those tenants that haue comen
appendaunte, and holde theyr landes of him.
It is necessarie to be knowen what is suffici-
ent of comen, and that me seemeth by reason
shulde be thus. To se how moche catel the hey
and the strawe that a husbände getteth vpon
his owne tenement, will fynde sufficiently in
wynter, if they lye in house and be kept ther
with al the wynter season, for so moche catell
shuld he haue comen in Homer, & that is suffi-
cient. ye shall vnderstande that there be foure
maner

Butuepence.

maner of cōmens, that is to wytte: cōmen ap-
pendāt/ cōmen appurtenaūt/ cōmen in grose/
& cōmen p cause de vicynage. s. neighbourship.
Commen appendaunt, is where a lord of olde
tyme hath graunted to a man a meseplace, &
certayne landes, medowes, & pastures with
theyr appurtenaunces to holde of hym. To
this meseplace, landes and medowes belon-
geth commen, and that is called commen ap-
pendant. But and a man graunte to another
certayne landes or pastures, the which he in
seueraltie, enclosed with the appurtenaunce
in fee, to holde of the chiefe lordes, to these
landes me semeth belongeth no commen, with-
out he haue suche speciall wordes in his dede.
Commen appurtenaūt, is where a man hath
had commen to a certayne nombre of beestis
or without nombre, belongynge to his meses-
place in the lordes wastes, this is commen ap-
purtenaunte by prescripcyon, by cause of the
vse out of tyme of minde. Commen ingrose,
is where the lord hath graunted by hys
dede, commen of pasture to a straunger, that
holdeth no landes of hym, nor ought to haue
any commen, but by reason of that graunte
by dede. Nowe the lord may nat improue
hym selfe of any parcell, for it is contrary to
his graunt, though there be sufficient of com-
men. And in lyke case, if the lord graunt com-
men to a man by dede, and to lymitte hym a
certayne nombre of beestes, se what was
cōmen at that tyme, and of that the lord shal
nat improue hym selfe, for and he shulde, the
goods

goodnesse of the cōmen to that certayne nōbz
 shulde be abridged/that they shuld nat fare so
 well, and euery mannes dede shal be taken
 strongest agaynst hym selfe. And in lyke maner
 if the lozde graunt a man cōmen with his cas
 tell, within certayne meyzes, lymittes, & bound
 des / the lozde shal nat improue hym selfe,
 within those meyzes and boundes. Commen
 per cause de vicynage, is where the waste
 grounde of two towneshippes lye together, &
 nother hedge nor pale bytwene to kepe theyz
 catell a sōder, so that the cattell of one towne
 shippe goth ouer his meyre or boude into the
 wast groude of the other towne, & likewise the
 catell of the other townshippe to thē. And also
 if their cōmen feldes lye together vnclosed, in
 oppn tyme whā haruest is in, theyz catell wyl
 go out of the one fylde into the other fylde, &
 this is called cōmēs/bicause of neighbourship
 pe, & is nat vled nor laful to pinne their catel
 so goyng, but in good maner to dryue & chace
 belyde suche cōmen. And as for that maner of
 cōmēs, me semeth the lozde may improue him
 selfe of their wast groudes/leauing their owne
 tenantes sufficiēt cōmen, hauing no regarde to
 the tenātes of the other townshipp. But as for
 all errable lādes, medowes, leyse, & pastures,
 the lozdes may improue thē selfe by course of
 the cōmen lawe, for the statute speketh nothig
 but of wast groudes. & ye shal vnderstāde, that
 how be it that a lozde may nat improue him
 selfe of his wast groudes, yet may he lafully
 fal & sel all the wode, brome/gorse, fyrs/braken

Buttynge.

ferne, busshes, thornes, and suche other, as free stone, lyme stone, chalke, turues, claye, sande/leed/ore/oz rynnne/to his owne vse: for the tenauntes may haue nothynge by reason of comen, but all onely bytte of mouthe with their catell. And ye shall knowe / that swyne and gees haue no comen, but by suffraunce/ without speciall wordes in their charter. Also the lord shall haue his free warren / for all maner beestes & foules of warren in his wast groundes/as well as in his seuerall groundes, & as long as the beestes oz foules of warren be vpon the lordes grounde, they be the lordes if he haue warren, and the lord may haue an action of Trespas agaynste any man, that chaceth oz killeth any of them in his comen/as well as in his seuerall. And if they go oz flye out of the lordes warren, than is the proptie chaunged, and the lord hath loste his accyon for takynge of them whan they be out of his warren, without they come in to his warren agayne, there is no man hath warren but by speciall graunt of the kinge by charter, except it haue ben vsed tyme out mynde/and alowed before iustyce in Eire. And as for the articles contayned in this present chapiter the letter therof is playne ynoughe/and also touched before.

Whether the lord may gyue oz sell the residue of his forren woodes, and what suche gyfte oz sale is worthe by the pore, &c. Cap. vii.

Item

Item inquerend est, vtrum dominus de residuo boscorum predictorum forinsecorum, dare possit, et quantum valet talis donatio: vel venditio per annum. It is also to be enquired, whether the lord maye gyue or sell the resydue of his foren woodes aforesayd, & what suche gifte or sale is worthe by the yere. This letter is playne ynoughe, and as me semeth no doubt, but that the lorde maye gyue or selle the resydue of the sayde woodes or wastes, Excepte that a manne haue comen of Estouers. But what that gyft or sale is worth, is to be vnderstande and knowen, & as me semeth the donee or the byouf, shalbe in like cause, as the lorde shulde haue ben if he had nat gyue it nor solde it. Than the lorde hath improued hym selfe of as moche woodes and wastes as he can laufully, and whan he hath gyuen or solde the resydue of that, he can nat improue him selfe of it. In lyke maner the donee nor the byoure can nat improue them selfe of any parte therof. For they can nat be in no better case, than he of whome they had it. How be it that they that of ryght/ought to haue theyr commens be nat theyr tenauntes / but theyr tytell and interest grewe by enheritaunce/longe tyme befoze the gifte or sale made by the lorde. And it foloweth by reason / that the gyfte or sale of a straunger shall nat hurte another mannes enheritaunce. But this done or this purchasoure/shal take to their profyte all the besture standyng vpon/ or beyng with in the sayd ground/as wodes & suche other:

Surreyenge.

And that is, because the tenants waken
more polytike in wysedome to improve theyr
tenementes; holdynges / and fermes : and at
thende of the terme / another man that made
no coste of the sayde improvements / offereth
the lord certayne money for a fyne to have it /
or to heghten the rente of the same, so that he
that made the coste or his children, shall nat
have the said ferme / without he wyll gyve as
moche or more as is offred to the lord / and so
throwe the enuy of his neighbour and the co
uetousnesse of the lord and his offycers / the
poore tenant hath a great losse / or els utterly
vndone / god amende it. And the lordes have a
greater losse than they wene / for their tenants
se howe their neighbours that have biled
theyr houses / improved theyr lādes and be put
out / except he make a fyne or pay more rente /
causeth them nother to bylde nor otherwys
to improve their holdynges / to the lordes great
losse at length . And where the statute sayth ,
*De omnibus aliis extibus viuariorum moras
rum buerum et vastorum.* And of all profites
that shall come of the lordes standynge wa
ters / mores / hethes / and wastes. *viuarium* is a
pole or a meyre that fylleth & encreaseth & lyueth
in. Some rynnynge waters be as free and se
uerall to the lordes / as their pooles / meyres / or
standynge waters. And as they be stord with
fylleth / so dothe the profyt ryse to the lordes /
whether they go by way of improvement or let
to ferme : wherof the bayly shall make accōpte.
Moores / hethes / & wastes / go in lyke maner

as the herbage of the townes, for the lordes
tenauntes haue commen in al suche out groun-
des with theyr catell, but they Mall haue no
wode, thornes, turues, gosse, ferne and such
other, but by custome, or els speciall wordis
in his chartour.

Of mylnes, seuerall fishyng, and commen
fishyng, what they be worthe in the
pere. **Capi. ix.**

Item de molendinis, piscariis seueralib⁹,
et communibus quantum valent.

Also of mylnes, seuerall fishynges, & com-
men fishynges, what they be worth. In this
shorte artycle many thynges are to be remem-
bred, for where he sayth, De molendinis, the
whiche is in the plurel nombre, it is to be vn-
derstaude/that there be many maner of mylnes
as cornemylnes, wyndemylnes/horse mylnes,
and quernes that go with hande. Fullpyng
mylnes, sythe mylnes, cutler mylnes, smythe
mylnes, and all other as the whele gothe by
dypste of water, to blowe the bales or to drye
any water like a pompe, as there be in Lorne
wall and dyuers other places, Though they
be no mylnes properly to grynde corne, yet it
is a profyte to the lord, the which a Duruey-
our may nat forget to put in his booke/and to
but and bounde them as they lye, and who be
the fermours, and what rentes they pay. And
to the corne mylnes to the most parte of them
belongeth **Dorone**, that is to say custome of

Buruepence .

the tenauntes to grynde theyr corne at the lordes mylne, and that is as me semeth, all such corne as groweth vpon the lordes grounde, that he spendeth in his house. But and he bye his corne in the market or other places, he is than at lybertie to grynde where he may be best serued, that manere of grynding is called loue wocone, and the lordis tenauntes be called bonde socon. And if they grynde nat theyr corne at the lordes mylne, the lord maye asmerce them in his court, or els he may sue the at the comen lawe. De secta molendini faciēda. But whan he shall make his declaracyon in the debet/and whan in the solet, I remytte that to menne of lawe/that haue experience therof. It is also to be knowen howe the tolle shulde be taken, but there be so many dyuers grauntes made by the lord, some men to be grounden to the twentie parte, and some to the. xiiii. part, tenaunt at wpll to the. xvi. parte, and bondmen to the. xii. parte, some men to be tolle fre, and some to be hopper fre, that is to wyt: that his corne shalbe put into the hopper and grounde next to the corne that is in the hopper, at the tyme of his comyng. And in some place to take the tolle after the strength of the water, that foloweth by reason, for that mylne that hath a bygge water/and may dyue a great brode stone, the which wil make moche more meple/than that mylne that goth with a lytell stone, he is moche better worthy to haue the more tolle, & yet shall the owner of the corne haue the more profyte.
And

And so there be so many diuersities of takynge of tolle, that I wyll nat take vpon me to tell how, but also to remytte it to men of lawe to shew the diuersities. But dout ye nat, the millers wyll be no losers, and of mylnes there shal moze be spoken of in the chapyter of waters, amonge the improvewementes, *De piscariis sepealibus*: that is to be vnderstande, in the lordes standynge waters, as moles and meynes: and also rynnynge waters that be seuerall, as be very many in dyuers countreis, set to ferme from one place of the ryuer to another for certaine rent, & if any man fyll the in the lordes pooles or meynes, the lorde may haue his actyon vpon the statute westmynster primer. And if he fyll the in the rynnynge and seuerall waters, the lorde may haue his actyon at the comen lawe, & in lyke wyse the lordes tenaunt, if any man fyll the in his ferme holde, be it standynge waters or rynnynge waters. And where he sayth, *De omnibus*, of comen fyllingges, that is lyttell profyte to the lorde but to his tenautes, except he dwell nigh the see, and wyll cause his seruaunt to fyll the there for hym, for that is the best comen water that any man can fyll the in. And some rynnynge waters be comen, as lyttell brokes and dytches, and in some rynnynge waters, the lordes tenautes haue lybertie by custome to fyll the with mouenettes, trodenettes, small pytches, and suche other.

Surueynge .

Of fre tenauntes/ the whiche dwell with-
out as well as within. &c. Cap. x.

Item inquirendum est, de libere tenentis
bus quibusq; forinsecis et extrinsecis.

Also it is to be enquired of freholders / the
whiche dwell without as well as within. By
this letter it is to be vnderstande / that a free
holder may dwell out of the precincte of the
lordes manere/and yet holde his lande of the
sayde manere. For one manere maye stretch
into diuers shires/as the honer of Tutbury,
Walynghorde/Bountefrette/Tyckell/ & suche
other. And in that case the lord of the ho-
nour or maner / may take a distresse for his
rentes/ homages/relifes/customes/ & seruises,
and to bynne the same distresse out of that
shire where it was taken / in to that shire
where the manere is / of whome these sayde
landes be holden. And if the tenant will sewe
Repleyn/ the sheryffe where the catell is / shall
make & serue the repleyn, and nat the sheryffe
where the goodes of the catell was taken, nor
returne vpon his repleyn / Quod aueria elon-
gata sunt. And the lord may haue a fre holder
that holdeth his lande of him/and payeth him
chefe rentes and other seruyce/ and nat by the
reason of any maner. And thus if a man pur-
ches a parcell of lande before the makynge of
the statute, Quia emtores terrarum, and
gyue the same landes agayne to a straunger
before the makynge of the sayde statute,
to holde of hym by certayne rente and ser-
uice,

uise, this may be called aforesaid free holder, for it is no parcell of any maner, & it is no maner it selfe. For to every maner belongeth two thynges, that is to say: parcell in demeyne, and parcell in seruice. That is landes in demeyne belongyng to the maner and seruyce, customes or rentes, and this free holder I spake of before hath demeyne, but he hath no seruyce. Also a man may haue both rent and seruyce of a free holder, and yet he holdeth nat his landes of hym that he payeth his chiefe rent vnto. As and a man purchase landes sythe the makynge of the said statute, and gyue it to a straunger, reseruyng fealtie and certayne rent: this free holder holdeth his landes of the chiefe lord nexte aboue, and yet shall he pay his rentes and seruices reserued to hym that gaue it to hym, and if the gyfte were in the tayle and no remaynder in fee ouer/naw the reuercyon resteth styll in the donor. I coude speke more of the gyftes and remainders, but I remyt them to men of law that be lerned, for it is nat the mater that I entende to speke of. Now be it, it is very necessarie for every Surueyours to haue insight and experience of the comen law, or els at some season he shall disceyue his lord or his tenaunt, and specially his owne soule, for saynt Iodorus sayth. Quod ignorātia crassa vel affectata non excusat peccatū. That is to say, ignorance of connyng or of the facultie in him that taketh vpon him, as a mayster or teacher of the science or connyng, excuseth nat
a mans

Surueyenge.

a mans offence, for euery man that god hathe sende wytte and reason vnto, is bounden to knowe, whether he do well or puell. And there fore it is necessary, that euery man lerne and do his dyligence to knowe, what he ought to do, or he take vpon hym, any suche offyce or rowme.

¶ Who be fre tenauntes, and what landes & tenementes and what fees they holde, and by what seruice, whether by socage or by knyght seruyce or other, and what rent of Assise they gyue by the pere, and who holdeth by charter, and who by auncyent demeyne, and who by newe feoffment.

Cap. xi.

¶ Item inquirend est, qui sunt liberi tenentes, et que et quas terras et tenementa, et que feoda teneant/et per quod seruicium, vtrum per socagium, vel per seruicium militare, vel alio modo/et quantum reddant per annum de redditu assise, et qui tenent per cartam, & qui non, et qui per antiquam tenuram, et qui per nouum feoffamentum. Also it is to be enquired, who be free tenauntes, and what maner landes and tenementes / and what fees they holde, and by what seruyce, and whether it be by socage or by knyght seruyce, or of any or ther maner, and what they yelde by the pere of rente of Assise/and who holdeth by charter and who nat, and who by the olde tenure/and who by the newe feoffment. It appereth by this

this article, that there be many maner of fre holdes/and holde their landes & tenementes in diuers maner, and by many maner of rentes/ customes/ & seruices, as tenauntes in fee symple/tenantes in taylor / tenauntes by coppe of court role, tenauntes by the curtesy, tenantes in dower, & tenantes for terme of lyfe by speciall graunt/ & many other. And all these tenants may holde their landes by diuers tenures/ customes/and seruyces/as by homage/fealtie/escuage / socage / knyght seruyce, graunt sergentie / petyte sergentie, franke almyne/ homage auncetrell/ burgage tenures, and tenure in villenage. But to declare the diuersytie of all the tenures, it wolde be to longe a pcesse, & therfore I remytte it to the first boke of the commen lawe/called the tenures. But the diuersitie of these tenures / what rentes / fees, customes, & seruices, the lord oughte to haue of his tenauntes/can nat be knownen but by the lordes euydence/ courte rolles, rentayles, and suche other pꝛesidentes/and specially by the originall dedes of their tenauntes. And ye shall knowe, that the lordes may nat distrayne their tenauntes, nor cease their landes into their handes/to cause their tenauntes to shewe theyꝝ euydence/wherby they holde theyꝝ lades. But and the lord haue any euidēce/rentayles/or court rolles/of any maner of rētes/ customes/ or seruices, that he hath nat, & can proue a possession of the same in his ancestors/ sythe the lymitation expressed in the statute of westmyster seconde in the seconde chapyter/

than

Reueyenge.

than he may lawfully distrayne for the same. And than muste the tenant shewe a discharge by sufficient wrytynge/and nat by wordes, or els to pay the same: for mater in wrytynge, may nat be discharged by a nude paroll .s. bare wordes. The statute speketh, Qui tenent per cartam, et qui non. The tenants in fee simple, and the tenants in tale, that haue euidence and dedes made and sealed/and possession deliuered of their lordes or by their attorney, from one to another / they holde their landes by charter, be it newe made or olde. And also there be tenants in fee simple, and tenants in tale / that holde by no charter/ & those be tenants by copy of court roole. As and a lord haue a manere / & within the sayd manere there is a custome, that hath ben vsed tyme out of mynde/that certayne tenants within the sayde manere / haue vsed to haue their landes and tenementes/to holde to them and to their heyres / in fee simple/fee tale/or for terme of life/at the wil of the lord after the custome of the manere. And suche a tenant may nat gyue nor sell his lande by dede/for and he do/the lord maye entre as in landes forsayte to hym. For if suche a tenant wyl gyue or sell suche manere of landes to another/he muste surrendre the same landes in the lordes court/in to the lordes handes/vnto the vse of hym that shuld haue it/or in fee simple/fee tale/or for terme of lyfe. And he that shall haue the lande/must come into the court & take it of the lord / as here after foloweth.

Ad hanc

AD hanc curiam venit J. B. et sursum reddidit in eadem curia vnum messuagium. &c. in manus domini ad vsum A. D. et heres suorum vel heres de corpore suo existentium / vel pro termino vite sue. Et super hoc venit predictus A. D. et cepit de domino in eadem curia predictum messuagium. &c. habendum et tenend sibi et heredibus suis / vel sibi et heres de corpore suo existentibus / vel sibi ad terminum vite sue ad voluntatem domini secundum consuetudinem manerii / faciendo et reddendo inde redditus seruicia et consuetudines inde prius debita et consueta / et dat domino de fine. &c. et fecit domino fidelitatem / et admissus est inde tenens. And these maner of tenauntes shall nat plede noz be impleded of their tenementes by the kynges wytte / but and they wyll implede eche other for their tenantes, they shall haue their pleynt made in the lordes court / after this forme oꝝ effecte.

A de B. queritur versus C. de D. de placito terre vꝛꝫ de vno messuagio / decem acris tꝛꝫ tribus acris prati. &c. cum pertiñ. And shall make protestacion to sue his pleynt in the nature of the kynges wytte / of formdowne in descendre at the comen lawe / oꝝ of the kynges wytte of Assise of nouel disseison / oꝝ of Assise of mortauunceter / oꝝ of any other wytte at the comen lawe. Plegii de prosequend G. f. et G. h. but howe the declaracion, the answer / replicacion / and reioyndre shuld be made: and also an action of Dette / Detinue / couenaunte / trespas, & suche other / I remytte that to men

Dutyeenge.

of lawe, that haue experience therof. But one
thyng wotte I well, that many an erronious
processe the stewardes make in their courte
rolles. wherfore men of honoure and of wor-
thyppe, and abbottes, priours, and suche o-
ther Mulde make men of lawe theyr stewar-
des, and to cause them to exercise the offyce
hym selfe, with his clerke sufficiently instructed
by his mayster / that there maye be made due
proues without fauoure/bribery/ or extorcyō,
on payne of forseynture of his offyce. But it is
a comen vse in some countreys : that lordes/
knyghtes, squyers, & gentylmen/that knowe
but lytell of the lawe be made stewardes, and
they come to the courte or sende their clerkes/
that can as litell lawe as their maister or lasse:
but that he vnderstandeth a lytell laten. And
if there be a fyne to make for a tenement,
house, or close that is to be set : the stwarde
shall haue a rewarde for his good wyll, that
he may haue it before another man, and the
clerke muste haue another rewarde for to en-
treate his mayster to the same/ so that the lordes
fyne muste nedes be the lasse / or els the
poore man shalbe at a great charge. wherof
speketh Salomon, prouerborum. xvii. Me-
lius est parum cum iusticia, q̄ multi fructus
cum iniquitate. It is better to haue a lytell
ryghtwisely/ than to haue moche profyte wic-
kedly. But now e to my mater that I spake
of before, there may be in one maner or lordes-
shyppe, bothe charter lande and coppe lande/
eche of them well knownen from other, & one
man

man may haue & holde them bothe. Also there
 be other tenants by coppe of court role / & are
 called tenants per le verge. s. by the yerde.
 And they be called so / bycause whā they wolde
 surrendre their tenementes in to the lordes
 handes to the vse of another / they shall haue
 a lytell yerde in their hande by custome of the
 court, and that they shall deliuer vnto the
 steward, if he be there present, or to the bay-
 ly or reue, or to other two honest men of the
 lordshippe. And at the nexte courte he that
 shall haue the sayd landes shall take it in the
 court / and his takynge shall be entred in the
 role / and the steward or bayly, as the custo-
 mes is vsed, shall deliuer to hym that shall
 haue the lande, the same yerde, or another in
 the name of season / and hath none other eu-
 dence but the coppy of the court role, & it may
 be made i fee symple / or fee taylor / or for terme
 of lyfe. And all maner of customes that be nat
 agayn reason may be admitted and allowed
 for a custome. And how be it that these maner
 of coppy holders haue an estate of enheritaunce,
 after the custome of the maner / yet haue they
 no franke tenement bycause of the common
 lawe / and therfore they be called tenants of
 base nature. Wher semeth it were necessary and
 conuenient, to shewe dyuers diuersities howe
 coppes shulde be made / for feare lest every
 man that taketh vpon hym to kepe
 a court, hath nat perfittly the ex-
 perience therof, as here
 after enseweth.

Surneyenge.

First of surrenders of landes holden
by the yerde.

He shal take a yerde in his hāde by thende,
and delpyer the stewart the other ende in his
hand, and say to the stewart. Here J. A. B.
do yelde vppe or surrendre my landes called
D. the which I holde of this lordship at the
lordes wyl, after the custome of this manere/
to the behoue of Jhon Browne & his heyyes.

Howe the stewart shal delpyer
season,

The stewart shal delpyer hym an ende
of the yerde in his hande that shal haue this
lande, and he shal say thus to hym. My
lorde graunterth you season of this lande that
was A. B. the which ye take here in the court
to you and to your heyyes, to holde at my lor-
dis wyl, after the custome of this manere, &
than he shal be swoyne. &c.

The maner of the othe of the
tenaunt.

I shal beare faythe and trouthe to my
lorde of this manere, as for the landes and te-
nementes that I haue taken of hym, & truly
do and paye the lutes, customes, rentes, and
seruyces that longeth therto, as for the terme
that I shal occuppe it, so helpe me god. &c.
and kyss the boke and ley downe. L. D. as the
custome is,

**How the copy shulde be made of landes
holden by the yarde.**

**Ad hanc cut dominus concessit extra ma-
nus suas per J. f. capitalem sen suum C. D.
et M. vroz eius vnum mess. et sex acē terre
cum pertisi iacent apud B. quibus dominus
per senescallum suum concessit seisinam ha-
bend sibi et heredibus suis de domino per vir-
gam ad voluntatem domini secundum consue-
tudinem manerii, et dant domino de fine pro
ingressu inde habendum, prout patet in capite,
et fecit domino fidelitatem, et admissus est in
de tenens.**

**Another forme for certayne rent, for
all maner of seruyce.**

**Ad hanc cut dominus concessit per J. f.
senescallum suum C. B. et M. vroz sue vnum
mess. sex acē terre. ii. acē prati, et vnam acram
bosci cum pertisi prefatis C. et M. hered, et
assignatis suis ad voluntatem domini secun-
dum consuetudinem manerii, redd inde annu-
atim domino et hered suis / vel successoribus
suis / si dominus sit religiosus. v. s. vi. d. pro
omnibus et singulis serviciis ad duos anni
terminos videlicet. .x. equis portionibus, et
dant domino de fine. .x. et fecit fidelis.**

**The comen course is nat to put in certayn
tie all theyr rentes, customes, and seruyces,
in theyr coppes / and that is in anneynt des-
meyne / et in all places whers theyr ternautes**

Surueynge.

haue theyr landes by coppe to them and their
heires, after the custome of the manere: for
there they haue or ought to haue a customary
role, wherein is euery mans lande contayned/
and what rent, customes, and seruyces euery
man ought to pay and do: and in many plas
ces, theyr lawes and theyr customes be put
in wytyng, and remeyne in theyr owne kee
pyng to put them in a redynesse, whan nede
shall require / but and there shalbe made any
newe incrochmentes or intakes inclosed or
taken in out of the commens, or any myne
newe foude/as leed or tyn, cole, yron/stone, or
suche other/if a coppy shalbe made therof, it is
than necessary and conuenient the rent therof
to be put in the coppy, for it is a newe thyng
that hath nat gone by custome, and also it
wold be put in the customary role, for this
newe approument may fortune to encrease of
rent or decrese in rent/and therfore the rentes
must alway be expessed. Also where a man hath
a lordship, wherein be many tenantes that holde
theyr lades of their lord by coppy of court role
for terme of yeres/or for terme of lyfe/ where
they haue no state of inherytaunce. In al such
coppes, it is conuenient that the rentes be ex
pressed in the same coppes/causa patet.

TA recognicyn of a ternaunt what he
holdeth of the lord.

CAd hanc cut venit R. C. coram D. C. les
nescallo huius manerii, et cognouit se tenet
de dno vnu mess. decē acē tert, tres acē prati
cum

cum pertisi in L. voc. L. libere per cartam in
 socagio per redditū. xii. d. vel vnam libram pi-
 peris, et sextam cū his per annum. Et etiam
 dictus R. C. cognouit se tenere de domino
 altum messuagium cum crofto adiacente, et
 sex acras tertē, et. ii. acras prati cum pertisi,
 ad voluntatē dñi secundum consuetudinem
 manerii, et per reddō duozū solidozū, et fecit
 fidelitatem, et admissus est tenens.

The forme of a cōpy in auncient deameyne/
 where the proclamacions
 shulde be had.

Ad hanc cū tenē ibidem tali die et anno.
 it. venit J. B. filius et heres J. B. et sursum
 reddō in manus dñi vnū messuagiū. x. acē tertē,
 tres acē prati cum vno crofto in D. infra iu-
 risdictionem huius cū ad opus E. f. heredē,
 et assigni suozum imperpetuum virtute barga-
 nie int eos fact. Et super hoc publica procla-
 matio in ead cū fact fuit, q si quis aliquod
 ius seu titulum ad eadem messuag. tertē prat
 & croft, vel in aliqua eozum parcella pretendere
 voluit, vel haberet/veniret et audiretur, et
 nullus venit ad hanc cū/per quod secundum
 consuetudinem manerii, messu. predict terras
 prata et croft predict remanerent in manus
 domini vsq ad tertiam proclamā super eos-
 dem fact / et super hoc dies dat est partibus
 predictis essendi ad proximam cū manerii
 predicti, ad audiend inde iudicium suum su-
 per premis, et ad hanc cū tenē ibidem tali
 die.

Huruepenge.

die. .x. tam predictus A. B. p̄ predict. E. R. vene-
nere/et super hoc secunda p̄clamatio facta fuit
super p̄missis/q̄ si aliquis aliquod ius/vel ti-
tulum ad predict. messu. terrē p̄ata. sc. haberet
aut p̄tenderet/veniret et audiret. Et nullus
venit et super hoc dies dāt est partibus p̄dictis
essendi ad p̄ximam cū manerit p̄dicti
ad audiendū inde iudicium suum. Et ad hanc
cū tēnt ibidem tali die. .x. tam predictus A. B.
quam predictus E. f. vene/et super hoc tertia
p̄clamatio facta fuit super p̄missis/quod si
aliquis aliquod ius/vel titulum ad predictum
messuagium terrē p̄at et croft/vl in aliqua co-
rum parcella haberet/vel p̄tenderet/veniret/
et audiretur/et nullus adhuc venit. Et super
hoc dominus per J. G. senescallum suum con-
cessit seisinam de predict. messuagio / terris /
p̄at/et croft cum eorum pertinentiis p̄fato E.
f. tenendū sibi hered/et assigni suis secundum
consuetudinem manerit p̄dict/et dāt domino
de fine ad ingress. .x. et admissus est inde tenēs
et fecit fidelitatem.

The forme of a copy in auncient demeyne/
where the wyfe shalbe exampned.

Dale.

Ad cū tēnt ibidem tli die anno. .x. E. B.
de R. et M. vxor eius hic in plena cū sol exa-
minat et confess. sursum reddiderūt in manus
domini vnum messuagium et diā bonatam
terrē/ac vnam quatronam terre cum suis per-
tīn in R. p̄dicta voē D. ad opus W. E. de D.
vnde accidit domino vnum equū de heriotto.
et

et super hoc venit dictus W. L. et cepit de domino dicti mess. &c. cum suis pertis habend et tenend sibi et Anne vxor sue et heri & assigni ipsius W. imperpetuum secundum consuetudinem manerii, per redd/consuetudinem/et seruic/ inde prius debet et consuet, et dant domino de fine pro ingressu habend dicti mess. et ceteris premissis. &c. et data est eis scissinam/ & fecerunt fidelis.

Another forme for terme of lyfe.

Ad hanc cus. &c. venit J. D. & J. vxor eius ipsa sola examinata coram senescallo/et sursum reddiderunt in manus domini vnum tenementum cum pertis in J. lae inter tenementum J. B. ex parte orient et tenementum C. D. ex parte occident/et abbuttat super altam viam ex pte australi et super gardinum E. F. ex parte boreali ad opus G. H. et J. vxoris eius ad terminum vite eorum et alterius eorum diutius viuentis secundum consuetudinem manerii, et dant dno de fine. &c. et fecerunt fidelis.

Another forme vpon condycion.

Ad hanc cus. &c. venit J. L. & sursum reddid in manus domini vnum cotagium iacent. &c. ad opus J. D. &c. tenend sibi et heredi suis de domino ad voluntatem domini secundum. &c. sub condicionibus subsequenibus: videlicet si predictus J. D. soluat aut solui faciat prefatus J. L. &c. ad fest vic. &c. proximo futuro post

Surreyenge.

data huius curie / q̄ tunc presens sursum redd^o
sit in suo reboze et effectu / et si ipse defecerit in
solutione solutionū predict^o in pte vel in toto,
q̄ ex tunc bene licebit prefat^o J. C. et assign^o su^o
is reintrare et rehabere predictum cotagium /
ista sursum redd^o non obstante in aliquo / et
dat domino de fine . sc. et fecit fidelitatem . sc.
et admissus est . sc.

Another maner of Surrendre made to the
bailye out of the court.

Ad hanc cur^o . sc. compertum est q̄ T. C. ex
tra cur^o sursum reddidit in manus J. D. balli
ui in presen^o D. R. et aliorum tenentium do
mini huius manerii / hoc testante vnam acram
terre in G. quond^o W. B. ad opus E. J. cui domi
nus inde concessit seisinam tenend^o sibi et hered^o
sc. de seruis . sc. et dat. sc.

Another forme / where the lord graunteth a
coppe of his special graunt.

Ad cur^o apud D. ten^o ibidē tali die et an.
sc. p̄ceptū fuit balliuo seisi^o in manu domini,
vnu tenementū siue mess. cū p̄tū J. B. voc^o E.
eo q̄ ipse alienauerit / et vendidit dictū testum
cuidā J. C. sine licentia dñi / et inde respōdeb^o
dñs de exitib^o quousq^o . sc. et q̄ in ista eadē cur^o
dñs ex sua gratia speciali concessit dictū testū
cū p̄tū p̄fato J. B. cui dñs inde cōcessit seisinā
habend^o sibi et hered^o . sc. de dñs ad voluntatem
scdm . sc. et dat. sc. et fecit . sc.

Anos

Another maner for terme of yeres / where
the lord shal hepe reparacyon.

Ad hanc cum dominus per J. f. senescalli
suum concessit J. E. unum messuagium cum
domibus superstantibus et aduersas terras
piatas pastuas et pasturas cum sepibus fossas
tis / et omnibus aliis suis pertinens vocat J. habens
et tenens sibi et assignis suis a festo sancti Mi-
chaelis archangeli proximo futuro post dat
huius cum usque ad finem et terminum quadra-
ginta annorum / ex tunc proximo sequentium
et plenarie complendorum / reddo inde annuatim
xx. s. ad duos anni terminos videlicet. sc. per
equales portiones. Provisio semper / quod duran-
te termino predicto predictus dominus inueniet
mercedem totiens quotiens necessarium fue-
rit dicto tenementum ad emendandum reperan-
dum et sustinendum / et dat dñs de fine. sc. et
fecit fidelis. sc.

Another maner / where a man pretendeth
a tittle, and after releaseth in the court.

Ad hanc cum tenet. sc. copertum est / quod cum dñs
p. J. f. senescalli sui, ad cum tenet apud E. tali
die et an. sc. concessit extra manum dñi J. B. et hec
suis una pecia terre continentem circa tres acras
terre siue pl. siue min. habeat quoniam C. L. in
J. iacentem inter terram B. D. ex parte australi et
terram B. D. sc. habens. sc. ad voluntatem do-
mini secundum. sc. et postea venit quidam Alicia
Bate coram prefato J. f. senescallo domini
et pretendit habere titulum in predicta pecia
terre /

Surueyenge.

terre/et hinc presens in cuius remissit relaxauit & imperpetuum quietum clamauit prefato A. B. et heredes suis per licentiam domini totum ius suum et clameum, que habet, vel habuit vel in futurum habere poterit in predicta pecia terre, et in qualibet inde percella. Ita videtur quod ipsa Alicia nec heredes sui, nec aliquis alius nomine eorum aliquod ius, vel clameum in predicta pecia terre de cetero exigere, vel vendicare poterit, sed ab actione iuris vel clamei sint exclusi per presentes, et dat domino, &c. et fecit, &c.

CAnother forme / where the heyre is admytted to his lande, after the deth of his father.

CAd hanc cuius tenet, &c. compertum est quod J. B. obiit seiscitus post ultimam curiam, qui de domino tenuit sibi et heredes suis unam placeam terre vocatam C. et inde obiit seiscitus, et dicunt quod R. B. filius eius est proximus heres, et plene etatis, vel infra etatem videtur. xii. annorum et in custodia / C. W. vel S. B. frater eius / vel consanguineus eius est proximus heres eiusdem J. B. et plene etatis / et presens hic in cuius petit admitti / et admissus est inde tenens / tenens sibi et heredes suis de domino ad voluntatem domini secundum consuetudinem, &c. et dat, &c. et fecit, &c.

CAnother forme of landes tyled with a remapndye ouer.

CAd hanc cuius compertum est / quod R. B. de A. ad cuius tenet apud B. tali die et anno, &c.
cursum

sursum reddo in manus domini vnum tenementum et tres acras terre vocē L. ad opus R. L. filii eiusdem R. et A. vxor eius quibus dominus concessit seisinam, Tenend sibi et hered de corporibus eorum legitime procreat. Et si predictus R. et A. vxor eius sine herede de corporibus eorum legitime procreat obierint / quod tunc predicta terra et tenementa cum suis pertinentiis remaneant recte heredes ipsius R. B. Et modo curia ista informaretur per totum homagium, quod predictus R. et A. obierunt sine herede inter eos procreat et predictus R. B. similiter et super hoc venit J. B. frater et heres predicti R. B. et petit admitti et admissus est tenens. et per licentiam domini prefatus J. B. concessit predictum tenementum et terras, que ei remaneant post mortem predictorum R. B. et R. L. et A. vxor eius / remaneret W. L. et heredes suis, cui dominus inde concessit seisinam tenend ad voluntatem domini scdm. et. et dat. et. et fecit. et.

Another maner for terme of lyfe / with dyvers remainders ouer.

Ad hanc cum venit R. B. et sursum reddit in manibus domini vnum messuagium, et octo acras terre customat vocē A. ut dominus faciet inde voluntatem suam, et dominus inde habetur seisinam. Et ex gratia sua speciali concessit predictum messuagium et terram prefato R. B. et J. vxori eius durante vita eorum, ita quod post eorum decessum dictum tenementum et terra remaneant B. vxori A. durante vita

Huruenge.

vita sua, et post decessu ipsius B. predict terre
et tenementa remaneant rectis hered ipsius
B. B. imperpetuum tenend eisdem B. B. et J.
broxi eius durante tota vita eoru per virgam
ad voluntatem domini scdm. sc. in forma pre-
dicta, saluo iure cuiuslibet. sc. et predicti B. et
J. dant dño de fine. sc. et fecerunt fidelitate. sc.

C Surrendre out of the court, and a res-
mayndre with a condicpon.

C Ad hanc cu compertum est / quod B. f.
languens in extremis sursum redd in manib⁹
B. B. extra cu per manus J. B. in presentia
A. L. i. B. D. tenent hui⁹ maneri hoc testant
vnum messuagium cum pertini. sc. ad opus J.
broc predict B. f. tenend sibi per seruit inde
debit secundum consuetudinem manerii / pro
termino vite sue, ita q post mortem dicte A. p-
dict mess. remaneat J. filio predict B. et A. et
he de corpore suo legitime procreat. Et si co-
tingat J. obier sine hered de corpore suo legit-
time procreat, quod tunc predict messuagium
reman B. filio predict B. et A. et hered de cor-
pore suo legitime procreat. Et si contingat
predict B. obiere. sc. quod tunc predictu messu-
agium per executores vtrumq⁹ eorum diutius
viuent vendat, et denarios inde recept et pro-
uenient pro aiabus parent suorum et eorum
in piis vsibus / et operibus caritatis in missis
celebrandis et elemosinis distribuendis / prout
melius eis viderint expedire pro aiabus antes-
cessorum et predecessorum suorum / quibus do-
minus

minus inde concessit seisinam tenend in forma
predict ad voluntatem domini secundum con-
suet maneris, et dant domino de fine. 1c. et fec
fidelitat. Et nota q si vn⁹ eoru obiit/ et heres
eius sit infra etatem, fidelitas respectuatur
quousq ad etatem veniat.

C Supplication to be exempte from all ma-
ner inquestes and iurpes within
the lordeshyppe.

C Ad hanc cum venit R. C. instant suppli-
cando prout ipse per plurima tēpora transacta
supplicauit. Et profert domino finem annua-
lem nomine exemptionis, vt ipse ex sua gratia
speciali et fauore ob causam senectutis infirmi-
tatis & debilitatis sue possit exonerare de cete-
ro/ab omnibus et singulis inquisitionibus ius-
tamentis et offic quorumcumq / tam in hac
villa q alibi infra dñm domini sibi obiciend/
et assignand/quapropter aspecta vero senectus-
te, vna cum infirmitate et debilitate sua sub
fine annuali nomine exemptionis inde prolate
ac suggestionē eius per tenentes & visus q ip-
sum veracit congrua testificata in premisis,
Modo dominus concessit in ista curia per J.
f. senescallum suum prefato R. C. huiusmodi
licenē fauorem et exemptionem ad terminum
vite sue duratur/et predict R. C. dat domino
de annuali redd persoluendū annuatim. llii. d.
ad terminos vsuales.

C Ad hanc cum venit J. S. et dat domino
de fine pro secta cum respectuand per. i. annum,
vt patet.

C Ad

Surueyenge.

Ad hanc curiam venit J. S. natiuus domini huius manerii / et petit licenc ad maritand filiam suam infra dominium istud / vel extra / et dominus per W. C. Senescallum suum concessit licenc / et dat. &c.

Memorandum that there is no maner of estates made of fre lande by polle dede or dede indeted, but like estates may be made by copy of copy lades / if they be well made & entred in the court rolles. And the stewart is bounde by lawe and consyence to be an indifferent iudge bwtwene the lorde and his tenauntes, & to entre their coppes truely in the lordes court rolles, the whiche is a regester to the lorde to knowe his presidence / customes / and seruices, and also a great suretie to the tenauntes / that if their copies were lost / they may vouch and resort to the lordes court rolles / & the stewart may make them newe coppes. / accordynge to the olde presydent in the lordes court role / lyke as at the comen lawe / whan a mater in vrayaunce bwtwene two men is past by verdyt, and iudgement gyuen therof / and entred in the kinges recordes / there it resteth of recorde / and also if a dede or a patent be inrolled, there it remayneth of recorde in lyke maner / so that if any partie will haue any cople therof / they may sue to the iudges and the offycers of the place where the recorde lyeth / and haue a cople therof exemplified vnder the seale of offyce of the same place / where suche recorde lyeth / and may plede the same recorde in euery court the kynge

the kynge hath and the lordes steward maye
do in lyke maner. &c.

The othe of all maner of officers
generally.

TO whome the steward shall say, ley thy
hande vpon the boke and say after me, I shall
true constable be, trewe thridborowe, trewe
reue/true frake plege, true tythingman, true
ale taster/trewe wodewarde, and trewe pyn-
der, with suche other officers that be vled to
be sworne in the lordes court, and trewe pres-
entment make, and truely and duely do and
kepe all thynges that belongeth to myne of-
fyce to do, so helpe me god and my holydome /
and kysse the boke.

The othe of a Denysen.

I shall trewe liege man be, and true faith
beare to kynge Henry that now is, and to
his heires / and no trayson do, nor ther vnto
assent, nor no thefte do/nor no theues felowe
be, nor any of them to knowe. But that I
shall enforme and w to wytte them that be the
kynge's officers therof, that haue the law to
gouerne. and I shall be buxome and obedient
to iustices, commissioners / sheriffes, exches-
tours / baylyes, and constables, and to all o-
ther officers of the kinges, in all thinges that
they commaunde me to do lausfully / so helpe
me god and holydome.

E

The

Surneyenge.
The othe of asseroure.

I shall truly assere this courte/and highe
no man for no hate, ne lowe no man for no
loue, but to set every man truly after the qua-
tite of his trespase to my knowledge, sayng
to a gentylman his counteynaunce and his
householde/a marchaunt his marchaundyse,
a husbände his tenure and his werke beestes
to his plough / so helpe me god and my holy-
dome.

This artycle gothe farther. *Et quantum
reddant per annum de redditu assise.* And how
moche they yelde by the pere of rent of Assise.
And first ye shal knowe, that there be thre ma-
ner of rentes, that is to say: rent seruyce/rent
charge/and rent seeke. Rent seruyce/is where
a man holdeth his landes of his lord by feal-
tie and certayne rent/ or by homage, fealtie,
and certayne rent, or by any other seruice and
certayne rent. This is a rent seruyce, and if
the rent be behynde at any day that it ought
to be payde at, the lord may distraine for that
rent of comen right, and if the lord purchase
parcell of the sayde lande that the rent gothe
out of, the rent shalbe apporcioned: except it
be an entiere rent, as a sperhauke/or a horse,
or suche other that can nat be seuered, for tha-
the rent is extinct and gone for ever. &c. Rente
charge, is where a man is seased of landes in
fee/ & graunteth by pole, dede or by dede ended
an annuell ret goynge out of the same landes
in fee or in fee taylor, or for terme of lyfe with
a clause

a clause of distres, that is a rent charge, and the grante may distrayne for the same rente / bycause of the clause of distresse. But if the graunte purchase parcell of the sayd landes, wherof the sayd rent gothe out, the hole rent charge is extynd and gone for euer. For suche a rente charge maye nat be appoyconed, bycause the landes come to his owne possession by his owne act or dede. Rent seeke, is where a man seased of landis in fee, granteth a rent goynge out of the same without a clause of distresse / that is a rent seeke and it is called a rent seeke, bycause there is no distresse insidet nor belongyng to the same. Also if a man by dede indented make a feoffement in fee or in fee taylor, the remayndre ouer in fee or for terme of lyfe remayner ouer in fee, reseruyng to hym certayne rente without any clause of distresse in the same, that is a rent seeke / and if the graunte were neuer seased of the sayd rent, he is without remayndre by course of the comen law. There is another maner of rent : that is nother rent seruyce / rent charge, nor rent seeke, and that is called rent annuel. And that is, where as a man granteth by his dede, an annuitie of .xx. s. be it more or lasse, & chargeth no lāde with the paymēt of the same. That is a rēt annuell, & it chargeth the persō that graūteth the said rēt by a wypte of annuite / & in some cause a rēt charge may become an annuel rēt / as & a man graūt a rent charge out of his lande with a clause of distresse / the graūte is at libertie, whether he wil distrepne

Surreyenge.

for the rent, or sewe a wytte of Annuyte agaynste the graunter. And if he sewe his wyte of annuyte/the lande is discharged of any distresse, and therfore the grauntour may make a prouision in his graunt. s. *prouiso semper/ quod presens scriptum nec aliquid in eo specificatum non aliquo aliter se extendat ad onerandum personam meam per breue/ vel actionem de annuitate/ sed tantummodo ad onerandum terras/et tenementa predicta de annuali redditu predicto.* And this prouyse hadde/ the landes be charged and the person discharged.

Of those free tenauntes that sewe to the courte of the countie, and who seweth nat/ and howe moche falleth to the lord after the decease of suche tenauntes. *Cap. xii.*

Item inquirend est de predictis libere tenentibus, et qui sequuntur ad eum ad com in commitatu / et qui non / et quantum accidit domino post mortem talium liberorum tenentium. It is to be enquired of the foresayd free tenauntes / whiche of them shall folowe the court of the countie and whiche nat/ and what shal fall vnto the lord/after the deth of suche free tenauntes. He semeth that al maner suche tenauntes that holde theyr lande by suche seruyce hauinge charter lande, ought to folowe the court of the countie, if he be somoned to appear, excepte he haue a speciall graunt by charter of the kinge to the contrary, & to be sworn in inquries before the iustyce of peace, iustyce of

of assise/excheters/cozoners / & all other commissioners of the kinges / & bitwene ptie & ptie as the lawe hathe ordayned it / howe be it in some case he shal dispende & haue moze landes than in some case / that is to say / if the damage in plee psonell: as det/trespas/detynue / & suche other / be declared vnder the value of. xl. shilkes: than a freholder that hathe any chart lande / be it moze or lesse / may passe bytwene ptie and partie. And also he is sufficient to enquire for the king in every byll of inditement of felony, & so is every costable & freman / though he haue no lade. But there shal no costable nor freholder enquire of ryot nor forcible entrees / without he may dispende. xl. s. clerely. And therfore se the statute of king Richard the. ii. and king H. the. vii. And also where the damages in plee psonel be declared. xl. markes or aboue / the freholder must haue landes to the clere value of xl. s. And every man that shall passe of lyfe & dethe & for tytell of lande / be it neuer so lytell / he muste haue lades to the value of. xl. s. clerely / aboue all charges. And in atteynt / if the thinge in demaunde and verdyte vpon that gyuen / extende to the value of. xl. li. or aboue. Than every mā of the graūde iury / must haue lades to the value of. xx. li. of freholde / out of auncient demeyne / & of landes in Gauekynde xx. li. and if it be vnder the value of. xl. li. than xl. s. of freholde is sufficient. The statute reher seth further. *Quid et quātum accidit domino post mortem talium libere tenentium.* what and howe moche falleth to the lorde / after the

Durueyenge.

Dethe of suche fre tenants, That is and may
be/dyuers maners of rentes / customes / and
seruyces, As and a tenaunt holde of the lord
by knyght seruyce decesse/ his heyre beyng of
full age, the lord shal haue for every knyghtes
fee that the tenaunt holdeth of the lord. **C. 5.**
of his heyre in the name of relefe. For the whi
che the lord may distreyne in euery parcell of
that lande / that is so holden of hym for the
same of comen ryghte. And if it be vnder a
hole knyghtes fee/as halfe a knyghtes fee, the
thirde parte/the fourthe parte/or the .xx. parte
more or lasse, the relefe shalbe appoyconate,
accoordinge to the same, and shal pay his chefe
rentes (if any be) neuerthelesse. And if the
tenaunt decesse, his heyre beyng within age of
xxi. yeres / the lord shal haue the warde and
the keepyng of the body, durynge his nonage/
and if he be vnmaried, than his maryage to
gyue or sell to whome he wyll/without dispar
gement/ and whan he cometh to full age / he
shal pay no relefe, and if he be maried, and
vnder the age of **.xiii. yeres**, he may refuse and
disagre, but howe the garden or his comyt
or graunte shal tende, and offre mariage to
the warde, and if the warde refuse the offre,
or if the warde be rauished, and of wardes
bycause of wardes, and of dispargementes of
wardes, and disagrementes after maryage /
and of wast done by the garden/ or his comyt
or graunte, with mo artycles partcypnyng to
the same, I remytte all those poyntes to men
of lawe / that haue knowlege and experyence
therof

therof, for it toucheth nat my mater that I
treate of. And if the tenant haue yssue female,
about the age of. xiiii. yere, be she maried or
nat maried/the lord shall nat haue the warde
ne the maryage, bycause the lawe entendeth,
that she hath a husbände or may haue at that
age, able to do such seruice. But if the heyre fe-
male be vnder the age of. xiiii. yeres vnmari-
ed/the lord shall haue bothe the landes holden of
him & the maryage/till she come to the age of
xiiii. yeres/& two yeres further to tende her ma-
ryage in, if she be vnmari-
ed. And at the two
yeres ende, she may entre in to her lādes, & put
out her garden/ & to mary her selfe at her plea-
sure, but if she be maried before the age of.
xiiii. yeres in the lyfe of her auncestre, & than
her auncestre dye, the lord shall haue the warde
of the lande to the age of. xiiii. yeres/& than her
husbände & she may entre & put out the lord,
& if the tenant holde of two lordes by knyghte
seruice, of one by priouite, and of another by
posteriouite and dye: the lord, that the tenā
holdeth of by priouite, shall haue the warde of
the body, be it heyre male or heyre female,
though there be. iiii. or. iiii. doughtes, for all they
are but one heyre to the lādes, that be holden of
him. And the other lord, of whom the lādes be
holden of by posteriouite/shal haue those lādes
holden of him selfe/and nothing els. And if the
tenant holde landes of one lord by knyght ser-
uice, and also holde landes of another lord
by socage and dye (his heyres beyng within
age) the lord, of whome the landes be holden

Duruepunge.

of by knight seruyce/Mall haue the ward and
marpage of the heyre, and the landes holden
of him, but he Mall nat haue the landes holden
in soccage/noz the lorde of whome they be hol
den of nother. For those landes holden in so
cage durynge the nonage, Mall go to the next
of the blode, to whome the enherytance may
nat discede / wherof he Mall make accompt
vnto the heyre whan he cometh to full age. &c.
And if the heyre be of full age at the decesse of
his auncestre, he Mall paye a relefe to euery
lorde that he holdeth any lande of/if relefe be
due to be payed/by reason of his tenure. But
in case that a tenaunt holde dyuers manours
of dyuers lordes by knight seruyce and haue
but one parcell of lande holden of the kynge
in capite, the kynge Mall haue all the hole lan
des holden of euery lorde during the nonage:
and the mariage of the heyre if he be vnmarry
ed / and if the heyre be vnder the age of. xiiii .
yere/and wpll disagree to the marpage, than
the kynge Mall haue the marpage of hym or
her, or the value therof, and the kynge Mall
pay no chiefe rent durynge the nouage, except
it be founde due to be payed in the offyce of
therchetour, and many other thynges maye
falle to the lordes, as herriottes & other cus
tomes, accordynge to theyr originall dedes:
and vse of the maner. And ye Mall vnder/
stande, that there be two maner of herriottes
that is to wytte, herriotte seruite and her
riot custome. Herriot seruite, is where a
man hath gyuen landes and tenementes to
a nother

Herriottes

a nother man and to his heyres / to holde of hym and of his heyres, as befoze the makynge of the statute, *Quia emptores terrarum*, or sythe the makynge of the said statute, to holde of the chiefe lord of the fee, by the seruyce therof due & of ryght accustomed/reseruyng to hym certayne rentes, herrpottes, or any other custome. This is rent seruyce and herrpot seruyce, bycause it is expessed in his originall dede. Herrpot custome/is where a man hath a lordship, wherein hath ben vsed tyme out of mynde / that every tenant, that holdeth any mese place of the lord, shall gyue his best quicke good in the name of a herrpot to the lord/& he that hath no quicke good/shall gyue his beste deed good. And in some place the ternaunt shall gyue for every mese place that he holdeth a herrpote, though the houses were lette to wne an hundred yere befoze/the which me semeth shuld be a great bitery & extorcyō, as I sayde in the prologue of this treatyse. And therfore, it is wisdom for every man to take his house by indeture or by coppe, wherin may be expessed, what rentes, herriottes, customes / and seruyces the tenaunt shall pay and do, for a lord maye abridge & make lesse his custome by wyptyng, but though he make wyptyng, and specifice what rent he shall pay, he must say further, for all maner rentes, herrpottes/customes/and seruyces. And in some lordeshipp, every man that dyeth within the same/be he the lordes tenaunt or nat, shall pay an herrpote. In so moche that if a straunge

Surueynge.

man ryde or go by the waye, and dye within
suche a lordshyppe, he shal pay an herriot, the
whiche is playne extorcion and agaynst the
comen ryght. For bytwene the lord and hym
that dyed was no maner of priuete of bar-
gayne or couenant. And in some lordshyppe,
the lord shal take his herriotte before the
person or the bycare his mortuary, & in some
places the church before. And that is, as it
hath ben accustomed and vled tyme out of
minde. But for the most parte the lord taketh
before, bycause the lord maketh couenaunt
with his tenaunt in his lyfe, that he shal haue
his best quicke good at his decesse, and the
mortuary is nat due tyll he be deed, and the
herriotte was couenaunted and graunted be-
fore in his lyfe, and the first bargayne must
be obserued and kept. And also in some places
it is parted bytwene the church & the lord,
& that is, where he that is deed hath no more
quicke good, but one horse or one beest / and
than he that hath be vled to chose firste shal
haue the better parte by one peny, but of deed
good, epyther perty shal haue one. But there
shal nouthur of them take any deed good, as
longe as there is any quicke goodes, and in
many lordshyppes it is vled, that and the te-
naunt leaue his house by his owne wyl, with
out any discharge of the lord, the tenaunt
shal pay his best quicke good to the lord in
the name of an herriot, & in some lordshyppes
it is accustomed, that and the tenaunt departe
fro the lordshyppe by his owne wyl, he shal
make

make a fyne with the lord for his departyng/
And most comynly it is .ii. s. and it is called a
farefee or a farewel. And suche a tenaunt that
gothe at his owne wyll, shall make all maner
of reparacions, and that tenaunt that is dis-
charged by the lord or by his officers / shall
make no reparaciōs, except he be discharged
for nat wyng reperaturyngs. &c.

CHow many customary tenauntes there be,
and how moch landes euery of them holdeth,
and what werkes and customes they do / and
what the werkes & the customes of euery te-
nant is worth by the yere, & how moche euery
of them payeth / ouer the customes & werkes.
ic. Capi. xlii.

Item inquirend est de customariis videlicet
quot sunt customarii, et quant terre quislibet
customarius teneat, quas operationes, et
quas consuetudines facit, et quantum valent
opera et consuetudines cuiuslibet customarii
per se per annum / et quantum redditū de reddi-
tu assise p annū pter opera et cōsuetudines /
& qui possunt talliari ad volūtātē dñi, et q nō.

It is to be enquired of customary tenauntes/
that is to wytte, howe many there be, & howe
moch lande euery tenaunt holdeth, and what
werkes & customes he doth / & what the werkes
& customes be worth of euery tenaunt bi it selfe/
and howe moche rente by the yere, aboue his
werkes & customes / he doth pay / & which of the
may take theyr landes at the wyl of the lord /
and

Surueyenge.

Customa-
tenanti.

and whiche nat. Customary tenauntes are those that holde theyr landes of theyr lord by coppe of courte role, after the custome of the manere. And there mape be many tenauntes within the same manere/that haue no copies/ and yet holde be lyke custome and seruyce at the wyll of the lord. And in myne opinion, it began sone after the conquest/whan william Conquerour had conquered the realme, he rewarded all those that came with hym in his hyage royall, accordyng to theyr degre. And to honorable men he gaue lordeshippes, maners, landes, and tenementes, with all the inhabitauntes, men and women dwellyng in the same, to do with them at theyr pleasure. And those honorable men thought, that they must nedes haue seruauntes and tenauntes, & theyr landes occupped with tyllage. wherfore they pardoned the inhabitauntes of their lyues, and caused them to do all maner of seruyce, that was to be done, were it neuer so vyle, and caused them to occupy theyr landes & tenementes in tyllage, & toke of them suche rctes, customes/ & seruices, as it pleased the to haue. And also toke all their goodes & catell at all tymes at their pleasure, & called them their bondemen, and sythe that tyme many noble men bothe spirituall & tempozall of theyr godly disposicion/haue made to dyuers of the said bodemen manumissions/ & grauted the fredome & libertie/ & set to them their landes & tenement to occuppe / after dyuers maner of rentes, customes/and seruyces, the whiche is vled in
dyuers

dyuers places vnto this day. Howe be it in
some places the bonde men contynewe as yet/
the whiche me semeth is the greatest inconue-
nience that nowe is suffred by the lawe/ That
is to haue any christen man bounden to ano-
ther/and to haue the rule of his body/ landes,
and goodes/that his wyfe / chyl dren and ser-
uauntes haue laboured for all their life tyme/
to be so taken, like as and it were extorcion or
bribery. And many tymes by coloure therof/
there be many fre men taken as bonde men/
and their landes and goodes taken fro them,
so that they shall nat be able to sue for reme-
dy, to proue them selfe fre of blode. And that
is moost commenly, where the fre men haue
the same name as the bonde men haue/or that
his auncesters/ of whome he is comen, was
manumised befoze his byrthe. In suche case
there can nat be to great a punishment. For
as me semeth/ there shulde no man be bounde
but to god, and to his kynge and prince ouer
hym: Quia deus non facit exceptionem per-
sonarū, For god maketh no excepcion of any
person. wherfoze it were a charitable dede, to
euery noble man bothe spirituall and tempo-
rall/to do as they wolde be done by, and that
is to manumise them that be bonde/ & to make
them free of body and blode, reseruyng to the
theyr rentes, customes, and scrupces of olde
tyme due & accustomed, wherin they may get
the prayers of the partye, and remissyon of
theyr offences, as in the gospell: Eadem men-
tura, qua metimini fueritis/metietur vobis.

The

Ro. 2.
Ephe. 6.
Galat. 2.
Colos. 3.
Act. 10.
1. Pet. 1.
Iacobi. 2.

Luc. 6.

Surreyenge.

The same measure that ye do mete to other men, shall be metten to you. In many lordes myppes there is a customary roole bytwene the lord and his tenauntes, and it ought to be indented, one parte to remayne in the lordes keepynge/the other parte with the tenants, and dyuers trewe coppes to be made of the same, that the rentes and customes runne nat out of remembraunce. And also a syppte rolle, to call al those by name, that oweth any syppte to the lordes court/and than shall there be no counselement of the sutours / but that the stewart may knowe who is nat there / and if any suctour deceasse, the name of his next heire wold be entred in to the same rolle/ and an enquiry made and presented/ what he helde of the lord/and by what rentes, customes, and seruyce of euery parcell by it selfe/ & who is his nexte heyre/and of what age he is of/and this truely done and entred in to the rolle, it wolde be a conueyaunce of discent in maner of a pete degree / and profytable to the lordes/and also to the tenauntes/causa patet. The name of euery tenaunte muste be put in the rolle, and his mese place to be butted and bounded, as it lyeth in length and bryde/ and bytwene whome / And also his landes, medowes, leys, and pastures lykewyse butted & bounded, that it may be knowne many yeres after, who dwelled there : and what landes/medowes, & pastures lay to the same at that tyme. And what warkes and customes the tenaunt dothe for euery parcell, and what the warkes

markes and customes be worth in a yere/and howe moche rente the tenaunte dothe paye for euery parcell / besyde the customes and werkes, to the entente, that if any parcell of lande, meddowe, or pasture be alpyenedde/ solde / or chaunged, or put from one tenaunt to a nother / The lord and his baylye maye know what rentes/customes/and werkes/he shall aske and haue of the occupyer for euery parcell. And it is the moost speciall poynt that longeth to a surueynour, to butte and bounde truely euery parcell by it selfe, and to knowe what rentes/werkes/customes/and seruyces/goth out of the same, for than may he make a true rentall or customarpe roole, and put all thynges in a certentie.

Of cotyers what cotages and curtylages they holde and by what seruyce / and how moche rent they pay by the yere. &c. Cap. xiiij.

Item inquirendum est, de cotagellis/ que cotagia et curtilagia teneant, et per quod seruicium/et quantum reddant per annum, pro predictis cotagiis et curtilagiis.

Also it is to be enquired of Cotagers / what cotages and curtylages they holde / and by what seruyce:and what they yelde by the yere for the foresaid cotages and curtilages. This chap. & the next p̄cedēt, be both of one effect/ but that it is to p̄sume / that there is nat so moch r̄tes/herryottes/customes/ & seruices to be payed and done for a cotage, as there is for

Duruepence.

for a mese place or a better tenement, but it may be lyke custome and serupce.

Of perquesytes or prosytes of counties / of courtes / and of focestes, what they be worthe by the pere. &c. Cap. xv.

Item inquirend est de perquisitis communitatum, cur, forestariorum, cum expeditamentis canum / et quantum valent per annum in omnibus exitibus.

expedita-
on.

Also it is to be enquired, of the perquesytes and prosytes of the counties, of the courtes / of the focestes, with the cuttyng of the dogges clepse / and howe moche they be worthe by the pere in all the issues and prosytes. This chappiter toucheth nat the offyce of a Duruepoure but lytell, for the pssues and prosytes of the counties, sesspons, and assyles, are most comunly the kynges / and they be kept and ordayned by the sheriffe & the iustices of peace, that be ordayned and put in commission by the kyng and his counsaille / and the issues and prosytes of them are extrepted by the sayd iustices, and returned in to the kyngis eschequer, & there they rest of recorde, the whiche after warde is extrepted agayne / & sende downe to the sheriffes of euery countie to leuy and gather vp the same / and therof to make an accompte in the sayde Eschequer, & it is called Grene waxe. And the courtes of the focestes be ordayned and kept by the iustices of the focestes and theyr deputies / and the issues

Grene
waxe.

issues and profytes therof, the which cometh
most commonly by fines and mercimētes, are
nat extrepted in to the eschequer / but made out
by the steward to the baylyes and other offy-
cers of thē that oweth the forrest. And there
me semeth the Surueynour may syt with the
iustices of the forrestes for one thing specially/
and that is this / that no townshyppe nor ha-
mell entre cōmen within the forrestes / chases /
wastes / heythes / mores, and suche other great
commens / but all onely suche that of ryghte
ought to haue cōmen within the same. wher-
fore it wolde be ordayned, that euery townes-
shyppe and hamell, that oughte to haue any
suche comen in any forrestes, chases, wastes /
mores, heythes / and suche other great com-
mens, where dyuers towneshyppes and ha-
mells entrecomen together, euery townes-
shyppe and hamell oughte to haue a dyuers
brennyng p̄yon / and euerye beast, horse,
mare / and colte, that is put vpon the cōmen,
ought to be brenned in some parte of his body
with the sayd p̄yon, and than shall euery beest
be knowen, of what townshyppe he is. And
that were a great redynesse to the keepers, and
also a great sauegarde for stealyng of the
catell. And than may the keepers, regarders,
goysters, and other offycers of suche forrestes
and chases / haue parfyte knowledge, what
towneshyppe the catell is of. And if any of
these sayd offycers fynde any maner of catell,
hauinge no suche brennyng / they may attache
them and cease them as streyes / and put them

Suruepence.

in sauegarde to the lordes vse, tyll they be
pered and dyed. And they ought to aske them
thre sondayes in thre or foure next parisshe
churches, & also cry thē thre tymes in thre the
next market townes. And if no mā come with
in the pere and the daye/ and to make sufficiēt
proue that the catell is his, than it is forsayte
to the lord as a strey/and in lyke maner the
Cwyne and shepe of euery towneshyp and ha-
mell, ought to be pytched with the sayd ben
nyng piron, or suche another lyke the same/
but as for all other popntis and artycles tou-
chyng the forrestes, the Suruepours hath ly-
sell to do. wherfore I remyt all other artycles
to the iustices of the forrestes and to theyr des-
puties to execute theyr office, & ye shall know
that no man shall haue a forrest of right but
the kyng/except he or his auncesters haue had
a specyall graūt therof by charter of the king
and his progenitours in tymes paste, and so
vsted. &c.

Of churches that belonge to the gyfte of
the lord, how many there be / & where
they be / & what euery church is
worth. &c. Ca. xvi.

Item inquirend est de ecclesiis / que perti-
nent ad donationē domini, quot sunt, et ubi/
et quantum valent, et quantum quelibet eccle-
sia valet per se per annum, secundum veram
estimationem illius. It is to be enquired of
all the churches that belonge to the lordes
gyfte, howe many there be and where they
be

be and what they be worth, and what euerye church is worthe by it selfe by the yere after the true estymacion of the same. The letter of this chapter is very playne, and nedeth nat moche declaracion further than is spoken of, but alonely in one thyng, and that is this, oft tymes he that hath right to present to a church at one tyme, hath nat right to present to the sayd church at the next tyme. And that is where any sole patrone of a church hath issue, two / thre, or foure daughters and descesse / so that the right of patronage of the said church discendeth to all the sayd daughters. whan the church is voyde they shall present by turne / the eldest daughter first: than the seconde at the nexte auoydaunce / than the iii. and so forth / tyll they haue presented ones ouer / and than to begyn agayn at the eldest daughter, except they make any other ptycyon among them selfe by agrement. And than must euery one of them p'sent by their tourne accordyng to theyr particyon as it cometh about. And so must the Surueynor make his boke, accordyng to the ryght of the presentacyon / as euery tyme / seconde tyme / thirde tyme / or fourth tyme / & so forth. Also what lordes or Gentyll men haue their turneyse with them in the same benefyce / and whiche of them presented last / and who shall haue next / and who than, tyll they haue gone about, and in what towne it is, and in what shyre and dyocise it is, and what euery benefyce is worthe by it selfe by the yere / as it can be estimate.

Surueynge.

What the herpottes be worthe/the feyres/
exchetes, customes, scrupes, and foireyne
warke: the ples & perquesities of the
courtes, fynes, relefes, and all other
thynges that may fall to the
lorde by the pere.

Cap. xvii.

Item inquirend est, quantum valent her-
riotta, nundine, escaeta, consuetudines/ser-
uic, et operationes forinsice, et quantum valent
placita, et perquesita / fines et releuia / et oia
alia que accidere possunt per annum in om-
nibus.

It is to be enquired, what be the value of
herpottes, feyres, exchetes, customes, scrui-
ces, and foireyne warke: and what the ples
be worthe, and the perquesites or profytes of
the courtes, fynes/ relefes/ and all other thin-
ges that may fal by the pere in al. This chap.
gothe in generalytie, and is lyke, as whan
an auditor hath cast all the minstre and par-
tyculer accomptes of euery bayly or reue and
other accomptance/ and hath made his boke
parfyte of all the partyculer / wherbyon the
whole charge resteth: Than whan the lorde
wolde knowe what the rent is of all his hole
landes, and also of euery partyculer parcell
by it selfe/ it were to longe a proesse to shewe
hym all the sayde minstre and partyculer ac-
comptes/ and though he dyd, he shulde nat
know the grose sommes of his rentes / fynes/
herpottes, exchetes / perquesytes, and suche
other /

other, every of them by him selfe. wherfore he
wyl cause his auditor to make a value in ma-
ner of a byedgement of all the sayde minystre
accomptes, and first to know the hole charge
of al the partyculers/what they be at the first
syght, in the sommes totall. Than to deuyde
the sommes totall in dyuers percells, as the
chefe rentes of the freholders by them selfe/
the rentes of customary tenauntes by them
selfe, tenauntes by indenture/or tenauntes at
the lordes wyl by them selfe, so that he may
make a grose somme of every maner of rente,
so that one rēt may be knowen from another.
But than must the audytour haue good and
parfyte information, or els he can nat do it/
and that information must come by the sur-
ueypour and the baylyes, for they ought to
knowe one maner of rent from another / and
therfore they rentalles wolde be made accor-
dyng / also the perquesites of the courtes by
them selfe. And those must be in lyke maner
deuyded / as the ples by them selfe / the mer-
cementes for commen trespass by them selfe,
fines by them selfe / herriottes by them selfe /
exchetes by thē selfe, and so of relefes/feynes/
markettes, and all other casualties / every of
them by them selfe/and ought to be presented
in the courte by them selfe. And therof to be
made an estreyt to the bayly or reue to gather
by, and brought in to the accompt to the au-
dytour, the whiche he may deuyde in makynge
of his value, if the accomptante bringe hym
perfyte rentals and courte rolles and nat els.

Durueyenge.

But if they do nat at the first tyme/ he must
teche & enforme them howe they shulde make
them perfyte. Also customes/ scrupces/ & war-
kes be ofte tyme done by bodely scrupce and
warkes/ and than they be nat to be acompted
for, but yet mencyon wolde be made in the ac-
compte therof. And many tymes suche maner
of customes/scrupces/and warkes be tourned
in to money: And thā it comenly gothe with
the rētes & the bayly or reue is charged ther-
with. And this chapyter reherceth further. Et
omnia alia que accideēt possit per annū in om-
nib⁹/ And of all other thynges /that maye fal
to the lord / what they be worth by the yere.
And those may be taken as mynes of tynne,
leed, ore, cole, pyron, stone, freestone, mylne sto-
nes, gryndel stones, lyme stones, chalke, fur-
lers' erth, sande, cley, grauel/ brome, goyse, or
spys, marle, turues, thornes / woode, bus-
shes, heythe / ferne or braken / and suche or
ther/ if there be any newe founde/ and ought
to be put in a rentall to a certentie / or els to
be put in a accompte by waye of approwe-
ment. And than thauditour maye deuide the
casualties from the certenties, and to make
a grosse some of them all. And yet maye the
value of euery thyng appere and be known
howe moche it is by it selfe. And than muste
there be deduct out of the sayd grosse somme
al maner of out rentes and ordynary charges
as baylyes fees, reparatyon and suche other,
and than to make a clere grosse some of euery
yere by hym selfe. And bycause ofte tymes
more

more casualties falle or come to the lord
more in one yere than in another, therfore
it is conuenient, that the clere grose sommes
of fiue or sixe yeres or mo / wolde be cast togy-
ther in one grose some / & to deuyde that some
in as many partes as there was yeres cast to
gyther, and than the clere value of one yere
wyl be comunly about that somme so deuy-
ded. And thus endeth the bryfe declaration of
this statute / *Extenta in ancris.*

ExPLICIT.

Of dyuers maners of takynge
and doyng of homage and fe-
altie. *Cap. xviii.*



As moche I haue shewed dy-
uers dyuersites of tenures / &
also diuers maners of making
of coppes / and the othes of the
officers of the court / though
they be nat expessed in the sta-
tute, me semeth also it wex co-
uenient to shewe the dyuersites and maner of
takynge and doyng of homage and feaultie.
And ye shall vnderstande / that homage is the
most honorable seruyce, and the most humble
seruyce of reuerence / that a free mā may do to
his lord. For whā the tenant shal do homage
to his chefe lord / of whom he holdeth his chefe
maner or mancyon place / by knight seruyce

f +

and

Surueyenge.

and priorite/he shalbe vnggyde / and his heed
vncouered/and the lord shal sytte / and the
tenaunt shal knele before him on bothe his
knees, and shal holde his handes stretched
out together bytwene the lordes handes, and
shal say thus: I become your man from this
day forwarde/of lyfe and of membre / and of
worldely honoure, And to you shalbe fayth-
full and lowly/and shal beare faythe to you,
for the landes and tenementes, the whiche
I holde of you, sauyng the fayth that I owe
to our soueraigne lord the kinge, & my other
lordes. And the lord so syttyng shal kysse
his tenaunt, the whiche is a signe of parfytte
loue. And why saythe the tenaunt, of life and
of membre, and of all worldely honour? By-
cause he holdeth his landes of his lord by
knyght seruyce / and also by priorite, for and
he holde other landes of another lord by
knyght seruyce and posteriorite / he shal nat
say to him of lyfe and of membre, for though
he be bonde to hym by reason of his tenures
of knight seruice, to go to batayle with his
lord, and to put his lyfe and membres in
leopardye with his lord/ yet can he nat go
with them bothe. And therfore shal he go to
batayle with that lord that he holdeth his lan-
des of by priorite. And bycause therof, if any
suche tenant dye, his heyre beyng within age/
the lord shal haue the keepynge of his body,
and the profyte of those landes that he holde
of hym/durynge the nonage, and also the mar-
riage of hym. wherfore it is to be presupposed
that

that/the lord wyll be moze loupng and kynde
to hym / than any other of his frendes wolde
be. Seyng than whan he cometh to full age/
he shall put his lyfe in leopardy for his lord/
the which byndeth the lord by reason the ra-
ther to do for hym, whan he is nat able to
helpe him selfe. where as his frendes may for-
tune cared nat for him, and had leauer ano-
ther had the lande than he.

¶ And if an abbotte or a priour, or any other
man or woman of religion shulde do homage/
they shall say, I become your man. &c. bycause
they be all only professed to god to be his men
and women/and to none other. And therefore
they shall knele and holde their handes as the
other dyd, and say thus. I do to you homage,
and to you shalbe faythfull and lowly, for the
landes and tenementes/ the which I holde of
you, sauyng the fayth that I owe to our so-
uerayne lord the kynge. &c.

¶ And if a woman sole shulde do homage,
she shall nat say/ I become your woman: for
it is nat conuenient/that a woman shulde be-
come woman to another man, than to her
husbande/whan she is maryed. And therefore
she shall saye as the religyous men & women
do. I do to you homage. &c.

¶ And if a womā couert with baron shal do
homage, they shal knele before the lord bothe,
& the lord shal take bothe their hādes bittwene
his handes / and the husbāde shal speke all
the wordes / as thus. we to you do homage,
and faythe to you we shal beare for the landes

Surueynge.

that we holde of you, sayng the faith that we owe to our souerayne lord the kyng, his heires, and to our other lordes/and they both shall kysse the lord. &c.

And in case a man shulde do homage to his lord / and the lord graunt his homage and seruyce to a nother man. Now shal the tennant do his homage and seruyce to the grantour, after this maner. I become your man fro this day forth / and to you shalbe faithfull and lowly / for the landes and tenementes that I helde of A.B. your grauntour, in the townes of C.D. the whiche to you he hath graunted my homage and seruyce in the sayd townes, saynge the saythe that I owe to our soueraigne lord the kyng, and my other lordes. et cetera.

And knowe you, that one lord may haue done to him dyuers homages of dyuers tenants, for one maner of lande. But one tenant shall do but ones homage for one maner of lande, for though the lord dye / his heire or his assigne, if he sel it or graunt it a way/they do represent the lordes estate. But and the tenant haue done his homage to his lord, & after the maner, wherof the tenant holdeth his landes is recouered againste the lord / Nowe shall the tenant do his homage againe to hym that recouered the manere, for he cometh nat in by the lord, but by force of the recouere, the which proueth the first homage to be voyde, for it was done to him that had no right to take it. &c.

Also

Also ye shall knowe / that a man maye distreyne his tenauntes catell for homage by course of the comen lawe / and also for relefe. And though a man haue payed his relefe / yet he shall do homage and feaultie. Also ye shall vnderstande, that no man shall do homage, but he that hath a state of enheritaunce in fee symple or in fee taylor / in his owne right or in his wyues, for tenauntes for terme of lyfe, tenauntes by the courtespe / nor tenaunt in tower / shall do no homage, nor take no homage. &c.

And if a man holde landes of the kynge in chiefe, and haue issue thre or foure daughters and dye, al the daughters shall do homage to the kynge. And if the landes be holden of another lord, the eldest daughter shall do homage for all, and also the seruyces, and the other daughters shall be contributoryes / & are every one of them their porcyon of the same.

And whan a fre man shall do feaultie to his lord / he shall lay his hande vpon the boke, and shall say thus / here you my lord that I, W. D. de C. fro this day forth, to you shall be faythful and lowly, & sayth to you shall beare for the landes and tenementes, that I claime to holde of you / and loyally shall do and paye the rentes / customes / & seruyces / that I ought to do at the termes assigned, as god me helpe and al sayntes, and than kysse the boke.

Whan a villayne shall do feaultie to his lord / he shall ley his hande vpon the boke and saye thus. Here you my lord W. that I, W. de C. fro thus day forth to you shall be faythful & lowly
and

Surueyenge.

and to you shall do al the customes and seruyces/that I ought to do to you/ for the landes that I holde of you in vyllēnage, and I shall be iustifyable of body and of goodes, as god me helpe and his sayntes/and than kyssē. &c.

¶ Whan a villayne that holdeth no landes of the lordē shall do fealtie, he shall ley his handē vpon the boke & say thus. Here you my lordē S. that I, W. B. fro this day forth to you shall be saythfull and lowly/and I shall be iustifiable to you of body and of goodes, as god me helpe and his sayntes / and kyssē the boke. et cetera.

What a Surueyour shulde do.

Cap. xix.

¶ Nowe this statute is breuely declared, it wolde be vnderstande, howe a lordeshipp or a maner shulde be surueyed and viewed, butted and bounded on euery parte, that it maye be knownen for euer, whose euery parcell therof was, at the makynge of this boke, and it may serue as well to saue the inharytaunce of the lordes, as of euery fre holder by charter / cōppe holder / & customary holder / & to knowe euery mans lāde/as it lyeth to his house one from another / so that it maye be knownen an hūdyed yerēs after, & for euer what maner of lādes / and how many acres euery mā had to his house at that tyme, and where they lye. The name of a Surueyour is a frēche name, and is as moche to saye in Englyshe, as an ouer-

ouerfeer. Than it wolde be knowen, howe a
 surueyour hulde ouerse oꝝ suruey a towne oꝝ
 a lordeshyppe. As and the cytie of London
 hulde be surueyed, the surueyour may nat
 stande at Hygate, noꝝ at Whoterhyll, noꝝ yet
 at the Blakheheth, noꝝ suche other places, and
 ouer loke the cytie on euery syde. For and he
 do, he shall nat se the goodly stretes, the fayre
 buyldynges, noꝝ the great substaunce of ry-
 chesse conteyned in them, for than he may be
 called a discepuer, and nat a surueyour: And
 in lykewyse if a man shall vieu a close oꝝ a
 pasture/he may nat loke ouer the hedge / and
 go his way, but he muste outhere ryde oꝝ go
 ouer, and se euery parcell therof, & to knowe
 howe many acres it conteyneth / and howe
 moche therof was medows grounde, howe
 moche pasture grounde / howe moche woode
 grounde / oꝝ bushe grounde / heythe / lunge / oꝝ
 suche other / and what an acre of medowe
 grounde is worthe / & what an acre of pasture,
 and what an acre of the woode grounde oꝝ bus-
 she / and suche other be worthe. And what
 maner of catell it is best for / and howe many
 catell it wyl grasse oꝝ fynde by the yere, and
 what a beastes grasse is worthe by the yere in
 suche a pasture, oꝝ els he can nat set a true va-
 lue what it is worthe. And therfore a suruey-
 our muste be diligent and laborous, and nat
 slouthfull and rechelesse / for and he be, he is
 nat worthy to haue his fee oꝝ wages, & maye
 fortune to make an vnperfyte boke. And if he
 so do, it is to his shame and rebuke / and great
 ieopardy

Surveyence.

leopardy to his soule to make a false presy-
dent. wherfore it is convenyent to remembre
the sayenge of the wyse philosopher. Abhipe-
curam/that is to say/take hede to thy charge/
and so if he shulde view a cite or a towne, he
must begyn at a certaine place/as and it were
at the drawe bridge of London bridge on the
East syde, and there to make his tytelpnge
where he beginneth / & to shewe who is lord
of the house nexte vnto the sayd bridge, and
who is tenaunt. And if he be a free holder,
what cheke rente he payeth to the lord, cus-
tomes or other seruices. And if it be no free
holde, than the rent nedeth nat to be spoken
of but at his pleasure, for it may rise and fal.
And how many fote in bryde and how many
in length. Than to the seconde house on the
same East syde in lyke maner, and so to per-
use from house to house, tyl he come to saint
Magnus church. And than retorne agayne
to the sayde drawe bridge on the west syde, &
there begin at the house next to the said bridge/
and so to peruse fro house to house, tyll he
come to the corner next Temmes strete, and
than he may chose whether he wyl folowe
the south syde of the said Temmes, strete west-
warde and Eastwarde, tyll he haue perused
the hole parishe. And if there be any maner of
gardens entrees or aleys, or other dwellynge
places withinfothe / they may nat be over-
skipped / forgotten, nor left out / but taken by
the way : Howe moche every garden is, how
longe everyaley and entre is, and howe many
dwel

Surueyenge.

40

Dwelling places be therein/and whose they be/
and how many cellars or tauernes there be/
and how many footes every one of them be
in length & bryde. And so to go from parische,
to parische/tyll he haue viewed the cytie, and
euery strete and lane wolde be remembred
what length and bryde they be of. And also/
euery church and churche yarde, & other voyde
places, the whiche wolde aske a great leysar,
but yet it is possyble to be done.

¶ Now a man shulde view, but and bounde,
the maner and the towneshyp. Cap. xx.

¶ The towne of Dale.

¶ The view of the maner of Dale taken the
tenth day of May the. xiiii. yere of the raygne
of kynge Henry the. viii. by A. B. generall
Surueyour to the right honorable lorde, C.
D. lorde of the same, and by his commaundes-
met / and also by the othes of C. F. G. H. &
many other tenants of the same / as herafter
ensueth.

¶ The sytie of the maner of Dale standeth &
lyeth bytwene the kynges hys way leadynge
from the towne of A. vnto the towne of B. on
the south part, & the church yarde of the same
towne of Dale on the West syde, & the comen
felde of the same towne called the north felde
on the north parte. And the tent or mese place
of John Coke on the west part, & conteyneth.
xx. perches in bryde & xxx. pches & four fote in
length/euery perche. xvi. fote & a halfe. wher-
vpo is set the manere place sufficiētly buylded
with

Surueynge.

with two crosse chambres of stone/of bryche /
or tymbre : with all maner of houses of offyce
within forthe, & two barnes/and an oxe house
a heyhouse & a stable, a garden & an orcharde.
And if it be moted about/ expresse how moche
houfynge standeth within the mote, and howe
moche without/and with what maner of co-
uerynge the houses be couered. The whiche
maner with the demeynes, landes/medowes/
leyse/and pastures be nowe in the holdynge &
occupacion of T. S. and payeth by the yere /
at foure termes or two tymes there vled. s. x.
by eyn porcions. vi. li. xiii. s. iiii. d.

The sitie of the personage standeth & lyeth
bwtwene the said hye way on the southe part/
and the sayd church on the west parte / and
the sayd noythe felde on the noythe parte, and
the tenementes of J. L. on the East parte.
And the sayd person hath a crosse lyenge by
twene the sayd noythfelde and the said church
yarde on the southe parte. And the sayd sy-
tie and crosse conteyneth. x. perches on the
southe syde, and. xiiii. perches on the noythe
syde, and. xxx. perches in lengthe on the East
syde/and. xvi. perches and a halfe on the west
syde. And the mancyon place and the houses
therevnto belongyng, be nowe ruynous/ and
one sir S. B. is nowe person there / and had
it of the gyfte of the lorde/ to whom the gyft
belongeth euery thirde tyme and to J. f. the
next tyme, and L. D. the thirde turne, and so
as ofte as it falleth. And the sayde S. B. occu-
pyeth the sayd personage hym selfe, withall
the

the glebe landes / medowes / tythes / and all o-
ther frutes / and is worthe by the yere .xx. li.
And in lyke maner of a vycarage, and than
muske ye shewe who is persone / the whiche
moost commonly is a spirituall man.

C. B. holdeth a mese place frely of the lord
by charter, with diuers landes / medowes / and
pastures belongynge to the same. The whi-
che mese place lyeth bytwene the sayde hye
way / and the sayde northe felde / as is befoze-
sayd / and the sayd personage on the westsyde,
and the tenement or mese place of **F. G.** on the
West parte / and conteyneth .xii. perches on the
southe ende in bryde, and .xxii. perches & foure
fote in lengthe / and .xvi. perches in bryde on
the northe ende, and he holdeth the sayd mese /
withall that longeth therto, of the sayd lord
by homage, fealte, and .ii. s. by the yere, and
halfe a ponde of peper, & sutes of court from
thre wekes to thre wekes, & to the two great
letes. And this he maye expresse the scrupce of
the rent, if he maye haue persyte knowlege by
the lordes pcesedens or by original dedes.

C. G. holdeth a mese place with the appur-
tenaunce of the sayde lord at his wyll / or by
indenture or coppe, and it lyeth bytwene the
sayde hye way / and the northe felde / and the
foresayd mese place of **F. C.** on the westsyde, &
the felde called West felde on the West syde con-
teyneth .xi. perches and sixe fote in bryde / and
xviii. perches & ten fote in lengthe / And payeth
vnto the lord at the termes there vsuels .
xvi. s. sute of court, two hennes / and an here
ryotte

Surueyenge.

riot at his Decelle. &c.

T. G. H. holdeth a cottage of the lord by copy & standeth bitwene the sayd hyway on the northe syde / and the townefelde called the southe felde on the southe parte / and the sayd West felde on the West syde, And a meise place of the priour of B. on the west syde / and it conteyneth by the hyway sixe perches and at the southe ende seyn perches and eyght fote / and on eyther syde. xii. perches / and payeth by the yere at the sayd termes twentie pens / suyte of courte and one henne.

T. The priour and the couent of B. holdeth a meise place and a croft with the appurtenance of the lord frelye in pure almes, and it lyeth bytwene the sayd cotage in the holdyng of G. H. on the West syde / & a meise place of the lordes / in the holdyng of T. H. on the west, & butteth vpon the said hyway on the sayd southe felde / and conteyneth in bryde by the sayd hyway sixtene perches, and in length twentye perches, and at the southe ende twelue perches in bryde, and payeth to the lord halfe a ponde of peper for all maner of scrupce. &c.

T. C. H. holdeth a meise place of the lord by indenture, and it lyeth bytwene the sayd tenement of the priours on the West syde, and another hyway that leadeth oꝛ goth fro the forsaide church oꝛ psonage / vnto the towne of B. on the west side / & bitwene the forsaide hyway on the northe syde, and the tenement of the lordes in the holdyng of B. A. on the southe syde / and it conteyneth. x. perches euery way /
and

and payeth by the yere. x. luyte of courte and herre potte. Also the sayd **H. T.** holdeth of the lord an horse mylne, nexte adioynng to his sayd mess and the tenement of **H. A.** and is conteyned bothe in length and bryde within the sayd. x. perches. wherof the lord shall fynde al the great tymber, and brynge it to the mylne/ and the mylner shall make all the coste, bothe of the house and the goyng geire. And also he shall bothe thacke and daube at his owne cost and charge, & payeth for the same at the sayde termes sixe wyllynge/two hennys at chrystenmas, and two capons at Pasche.

H. L. holdeth a tenement of the lord, and it lyeth bytwene the sayd horse mylne on the northe syde, and the sayd southe felde on the southe syde/ & butteth vpon the sayd hyewaye that leadeth to **H.** on the west, and the crofte of the sayd priours on the East, and conteyneth. xii. perches and. x. fote in bryde by the hyeway/ and. ix. perches in length to the said croft/ and payeth at the termes aforesayd. x. s. two hennys at Chyristmas, and luyte. x.

H. Q. holdeth a cotage of the lord at his wyl/ and it lyeth bytwene the sayde way that leadeth to **H.** on the East syde, and a croft of **R. F.** on the west syde, and a felde called south felde on the southe syde, and the tenement of **R. F.** of the north / and it conteyneth in bryde by the hyeway four perches/ and in length sixe perches and a halfe, and payeth. x.

Surueyenge.

TR. F. holdeth a tenement and a crofte called the Swan / freely by charter / and they lye vpon the corner bytwene the sayde two hye wayes, on the northe and West, and a tenement of the lordes, in the holdynge of W. L. and a medowe called west medowe on the west syde, and a cotage in the holdynge of P. Q. and southe felde on the southe syde. And it conteyneth in it selfe. viii. perches square, and the crofte conteyneth. xii. perches in length and sixe in bryde, wherin be fyue buttes / of the whiche one but is the sayde priour of B. that is to saye next vnto the hedge on the west syde except one / and he holdeth the sayde tenement of the lord by homage / feaultie / and a spece haue for all maner of seruyce.

W. L. holdeth a tenement of the lord, lyeng bytwene the sayde tenement of R. F. on the West syde, and the medowe called the west medowe on the west and South, and the sayd way that leadeth from A. vnto B. on the north syde / and conteyneth. xiiii. perches in bryde / i. xvii. in lengthe, and payeth. x. luyte of courte and herryot. xi.

J. C. holdeth a tenement of the lord, and it lyeth bytwene the sayde maner place on the West syde, and the west medowe on the west syde / and the northe felde on the north syde / and the sayd way that leadeth from A. to B. on the southe syde, and conteyneth by the way seyn perches, and in length. x. perches, i. payeth at the termes accustomed. xii. s. vi. d. two hennes at Christmas / luyte of courte / i. herryot

herriot at his decesse. &c.

The that shall vyeu/butte, and bounde landes or tenementes / by East west North and South/it is necessary that he haue a Dyall with hym/for eis and the sonne myne nat / he shal nat haue perfite knowlege which is East west North and South. For many tymes the landes as medowes do nat lye alway eyn East or west north or south, but sometyms more of one parte than of another/As South East or south west, north East or north west, and some two partes of the one, and but the thyrde parte of the other/as north north East/north north west, East north East, and East south East, south south East, and south south west, and west south west, and west north west. But it nedeth nat to a surueiour to take so narowe a diuersite, but to butte it vpon the most parte as it lieth/and than must the diall gyue him perfyte knowlege howe it lyeth, and so must he tytell it in his boke, as shal appere here after / & he must stāde in the myddis of the flat, whan he shal butte truly.

How a man shalde butte and bounde the fylde. Cap. xxi.

The north felde vpon Dale furlonge.

The north felde lyeth on the north syde of the towne, and begynneth at the crosse at a furlonge called Dale furlonge, the whiche furlonge conteyneth. xxx. landes and two heed landes, and they butte on north and south, wherof the south endes butte vpon the hall

Surueyenge.

orcharde, and vpon the croft of J. L. and the northe endes but vpo Wyhyll. Than to begin on the Est syde next to the hye waye that lea-
dethe to J. the persone hath two landes / the
lorde .i. landes. J. B. one lande. f. G. two
landes / the lorde foure landes / the priour two
landes / the persone one lande. R. E. two lan-
des. w. L. one lande. H. L. one lande. C. D.
two landes, the priour thre landes, the lorde
two landes. G. H. one lande / the persone one
lande the lorde two landes nexte to the weste
syde / and the heed lande nexte to the hall or-
charde and the other heed lande is the persons
nexte rye hyll, and if the husbandes haue per-
fyte knowledg whiche is a rodde and which
is an halfe acre, than it were better to say the
lorde hath an acre / conteynynge thre landes
are made in foure or fyue landes / and J. L.
halfe an acre made in two, & C. D. a rodde in
one lande / and if it be lesse than a rodde, than
cal it a butte. howe be it a mā may perceyue &
knowe if any man make two landes of one
lande or of one lāde make two landes bicause
of the certayne nombze of euery flatte.

¶ Wā furlong lyeth next to the same, & con-
teyneth. xxiii. lādes, & one hadlāde at the ouer
endes, & they lye Est & west / & but vpo Dale
furlong / at the nether endes / & on the south side
next the psons crofte. The pson hath. iiii. lan-
des, the priour. i. lāde, J. L. ii. lādes / the lorde
iiii. landes, J. B. ii. landes, C. D. ii. landes,
H. L. one lande / G. H. one lande, f. G. one
lande, R. E. thre lādes / the priour two landes /
P. Q.

Surueyenge.

† †

P. **Q.** one lāde, the lord hath the hadlandes.
¶ Whethyll furlonge lyeth next to the same
hadlandes, and it conteyneth. xxxvi. landes/
and thre gores fother oz pyke, and they be all
one thyng, and be called so, bycause they be
brote in the one ende/and a charge pyke in the
other ende / & they be alwaye shorter than the
other landes/& they butte vpon the sayd had-
lande of the lande at the west ende/& vpo depe
syche at the East ende / and to begyn at the
northe west syde of the said flatte **H.** **L.** ii. lan-
des/**C.** **H.** ii. lādes/**G.** **H.** i. lande, the lord six
landes/**J.** **L.** ii. landes/the person thre lādes,
w. **L.** ii. landes & one pyke/the prioure. ii. lādes
& i. pyke, **f.** **G.** ii. lādes & i. pyke, the lord. iiii.
lādes/**R.** **E.** iii. lādes, **C.** **H.** ii. lādes/**G.** **H.** ii. lā-
des/& the lord. iii. lādes next to the southeast side.

¶ Than tourne agayne to rye hyll / that
conteyneth. xxxvi. landes & two pikes, & butte
vpo Dale furlonge on the south endes, & vpo
long medow vpo the north west endes. Than
on the south East syde next to the way, that
leadeth to **A.** the priour hath two lādes/**G.** **H.**
i. lāde, the pson. ii. lādes **J.** **B.** ii. lādes. **f.** **G.** ii.
landes/ the lord iii. lādes, & ii. pikes, **w.** **L.** ii. lā-
des, **R.** **E.** iii. lādis, **C.** **H.** ii. landes, **P.** **Q.** ii.
lādes, **H.** **L.** ii. lādes, the lord. iii. lādes nexte
to the balke, that the wyndmyll standeh vpo.

¶ **P.** **Q.** the whiche holdeth a cotage of the
lord/holdeth also the said wyndmylne, wher
vnto all the lordes tenants are bounde to
grynde all theyr corne and malte, that they
occuppe of theyr owne, at the sayde mylne as

G †

well

Surreyenge.

well free tenantes as other / and the lord shall fynde all maner of tymbre and yron worke / boorde and nayles / & bypunge them to the mylne / & the mylner shall nayle by the boordes, make his shafte and the sayle pades, vpholde and reparell the spindell and the rynde, the mylne pykes and the sayle clothes, cogge and ronge / at his owne proper cost and charge, and shall pay by the yere. xx. s. at the tmes there vsuell, and to grynde the lordes corne & maulte tolle free, and to grynde it first, nexte to the corne that is in the hopper, if any be. &c.

¶ On the other syde of the wynde mylne balke lyeth a flatte called Deyse hyll / and it conteyneth. liii. landes, and foure pykes / and one hadlande, of the whiche landes there be sixe of them, that breke oz cut in the myddes of the landes, as shall appere by the boundynge. And the said flatte lyeth bitwene the common pasture / called the balke on the southe West / & the foresayde medowe / called the longe medowe vpon the northe west / and nexte vnto the foresaid balke / **J. C.** hath the thre landes / the lord sixe landes and a pyke, the persone foure landes and a pyke, **J. B.** foure landes / **F. G.** two landes and a pyke, **w. L.** thre landes, **R. E.** two landes, at the vpper ende nexte to the hadlande, **P. Q.** the neyther endes of the landes nexte to the longe medowe, **T. S.** foure landes, **H. I.** thre landes at the heed, and **J. C.** the nether endes of the same the p^rour. v. landes, the lord eght landes, **J. B.** thre landes, **G. H.** two landes and a pyke, **F.**
G.

Surueynge.

††

One lande at the heed, **H. A.** two landes ,
buttynge vpon the same one lande/ and vpon
the medowe / the person thre landes nexte to
the northe **Eest** syde, and the priour hathe the
hadlande at the heed. And this me semeth
shulde be sufficient instructyon for buttynge
and boundynge of all the feldes one after a-
nother. **xx.**

Chowe a man shulde butte and bounde the
medowes. **Cap. xxii.**

The longe medowe belongynge to the
towneshyppe of Dale.

The longe medowe lieth vpon the north
syde of the northe felde/ bytwene the said felde
and the broke, that departeth the towneshyppe
of Dale and the towneshyppe of **Hale**, and
the west endes butteth vpon the waye that
leadeth to **A.** and the **Eest** ende of the same
medowe vpon a close of the sayd lordes / cal-
led the parke close, and conteyneth. **L. xxii. a-**
cres/ this medowe lyeth in dyuers shotes of
length, somtime in two shotes of length, som-
tyme in one / and somtyme in thre. Than to
begyn at the west syde nexte to the waye that
gothe to **A.** on the ouershot, the lorde hathe
foure acres, **J. L.** two acres and a halfe/ the
persone thre acres, **J. B.** two acres & a halfe.
F. G. thre acres/ the prioure foure acres, the
lorde. **viii. acres.** And on the nether shot nexte
vnto the broke nexte vnto the sayd hye way,
F. G. two acres, the priour foure acres. **G. H.**

G. S

halfe

Surreyenge.

halfe an acre/w. C. two acres and a halfe/R.
F. sixe acres, the lord. vii. acres. Than to the
longe dolez that butte fro the said northe felde
to the sayd broke/C. S. four acres/the person
thre acres, J. C. an acre and a halfe / J. B. an
acre and a halfe, the lord sixe acres, P. D.
thre acres / H. L. thre acres. And at the nether
ende of the sayd thre acres, J. K. lord of Sale
hath attached his weize of his milne of Sale/
for the whiche attachement the sayd J. K. pay
eth to the lord of Dale & to his heires every
pere. ii. s. at the feest of saynt Myghell thar-
cangell, for all maner of seruyce. &c. Than to
the ouer shot next the said felde, G. H. an acre
and a rodde, w. C. thre rodde, R. F. an halfe
acre/the lord two acres, the person halfe an
acre, P. D. halfe an acre, the priour. ii. acres
and a halfe, J. C. two acres, the lord foure
acres/C. S. two acres next to the parke close.
Than to the myddell shotte nexte to the long
dolez, F. G. an acre/the person thre acres, J.
B. two acres/the lord foure acres, H. L. two
acres/the prioure four acres nexte to the said
parke close. Than to the nethermaiste shotte
next the broke on the syde next to the longe
doles, the person two acres, R. F. thre acres/
the lord foure acres and a halfe, G. H. demi
acre, the priour two acres, w. C. two acres &
a demi, J. C. demi acre, C. S. two acres, J.
B. two acres in the corner nexte to the sayde
parke close, and butteth vpon the said broke.
And if there be any mo medowes, than butte
and bounde them in lyke maner, for the mo
medowes

Surueynge.

46

medowes there be and the fewer thottes / the better may they be bounded, for medowes grow mooste commonly by acres / halfe acres, and rodde, and they ought to be well staked by twene every mannes dole / and specially well stoned with great stones bixwene, and set on a great height that they synke nat farre in to the erthe, for the propertie of a stone is to dissende downwarde / and the propertie of erthe to ascende vpwarde. Therfore / they wolde be taken here vnto be tyme, and amended whan nede is. And this me semeth sufficient. *rc.*

¶ Howe a mā shulde butte and bounde his pastures. *Cap. xxiii.*

¶ The pastures belongynge to the same towne.

¶ The lozde hath a close called parke close and it conteyneth. xxx. acres, and it lyeth by twene the saide medowe called longe medowe on the weste parte / and a close of the persons called Oxhey on the Est parte / and the sayde broke on the northe parte / and a felde called Este felde on the southe parte, and it is worth by the yere twentie shillinges. *rc.*

¶ The person hath a close next to the same called Oxhey, and it conteynith. x. acres, and lyeth by twene the parke close on the west part, and a close of J. B. on the Est syde, and the sayde broke on the northeest pte and
a feld

Surueyenge.

a felde called **Eest felde** on the west parte. I do nat value it/because it is nat the lordes, the quantite of the acres therin is sufficient. et cetera.

The sayd **J. B.** holdeth a lytell croft frely/ belongynge to the tenement called **rye crofte** / and conteyneth two acres/and lyeth bytwene the sayde persons close on the west syde / and the lane that gothe towarde **B.** on the southe **Eest** syde, and butteth vpon the hyway that cometh from **H.** to the sayde towne of **Hale** on the north **Eest** syde/and the sayd **Eest felde** on the west parte, I set it at no value, bicause he is a freholder, & conneeth in the chiefe rentes of his house / but and hit be gyuen to the freholder by an nother dede/ than muste the surueyours expresse the chiefe rente thereof by it selfe. And it is the mooste speciall poynt of a surueyours / fyrste to a viewe, butte, and bounde, both the towne and the hole lord **My**, or euer he desyre to se or loke vpon any euidence of any freholders. For this fyrste done, the surueyours maye than parfytely knowe whether the freholder shewe his euidence for all his lande or nat, and let the surueyours haue good remembraunce/what parcelles of landes be conteyned in the sayd euidence. And than may he well perceyue whether he shewe for all or nat. And if the dedes be shewed fyrste, the tenaunt may say there is for all his lande, and the surueyours can nat controlle hym nor say nay. &c.

T. G. holdeth a crofte of the lord, lyeng
nexte

next on the other syde of the sayde lane called Gose crofte, and conteyneth two acres and a halfe, and butteth vpon the sayd hywaye on the northe West syde, and the sayd West felde on the west parte, &c. And thus ye may paruse/ butte and bounde all the croftes, closes, and pastures about the towne & within the lordes Myppe, whose so euer they be. And to expresse euery hyway/oz crosse/cōmen, balke, oz marle pyt, where they lye, the which shal be a great redinesse many yeres hereafter. And if there be any cōinen pastures where heerdmen kepe theyr catell, oz any cominen wodes / mores, heythes, oz suche other, they may nat be forgotten to be butted and bounded as they lye, et cetera.

How a man shulde amende errable lande. Cap. xxiiii.

It is conuenient, that a husbände kepe his errable lande lyeng rounde, that it be nat to hyghe in the rygge, nor to lowe in the myddis of the sides nor to lye a lytel fro the raine, for than wyl the water stande in the sydes of the landes and drowne the corne/ And though there be no corne, yet it weareth the grounde and maketh it leane : for standynge water distroyeth grasse / and therfore it must nedes distroye corne/ the whiche is moche moze tender than the grasse. And if it so be, than take thy ploughe, and begyn to plowe a forowe in the myddes of the syde of the lande/ and cast it
downe

Surneyenge.

downe as and thou shulde salowe it, and so peruse both sydes tyll the rigge be cast downe, and than take thy ploughe agayne and begyn to plowe / where thou dyddeste plowe fyrste / and rygge all the remeynaut vpwarde / and so shalt thou bothe cast thy landes and rygge them / and all at one plowynge. And this will make the lande to lye rounde, the whiche is good bothe for corne and grasse. &c.

Another maner of mendynge of errable lande / is to mucke it / marle it / lyme it / or donge it, with the carte or wayne, and as I sayde in the booke of Husbandrye / to sette thy donge vpon the fyrste sturynge whan it is rygged, for that is best for many causes, and if thou laye it vpon the salowynge / than set thy mucke hepe in the reyne of the lande and than sprede it, and all that falleth in the rygge cast it out agayne, for elles it dothe but lytell good, for it wyl be couered with erthe and syldome seene agayne. &c.

Another maner of mendynge of errable lande, is to sette thy shepe folde vpon it / and to flytte it every daye, and it is better vpon the sturynge than vpon the salowe / and the shepe folde is better vpon the rye grounde than vpon the whete grounde. &c.

Another maner, whan a husbande hath moche errable londe, and hath no donge nor shepe to compost nor donge his lande with al / Than let the husbande take his plough, and cast all suche lardes thre or foure tymes togyder, & make the rygge there as the rayne was before.

before. And if the landes be to brode whan it is so caste downe, than rygge eyther syde by it selfe, and so make two landes of one lande/ or thye lādes of.ii.landes. And so shal he fynde newe moolde that was nat sene in an hūdyed yerres before/ the which must nedes gyue more coyne than the other dyd before. &c.

**Howe a man shulde amende
his medowes. Cap.**

xxv.

The that there be no moldy warpes castinge in the medowes / & if there be, in Aprill let them be spradde & beaten smalle. And thys is the beste waye to spredde them & make them smalle. To take a great bough of a tree/ and to plashe the bowes abrode and laye the lowe, and if they lye nat brode ynoughe/ than take other small bowes and bynde them faste to the same, & to ley a tree or two ouerwharte the bowes, to holde them downe flatte to the erthe / & to bynde the trees to the bowes that it fall nat of. And than to boore an hole with an nauger in the great boughes ende, or els to tye a rope fast to all the boughes endes toggyther, and to fast the same to the same, & with oxen or horses to drawe the sayde boughes, bothe vp and downe and ouerwarte the sayd moldy warpe hilles / the whiche shal sprede them better than any mannes handes can do, and that shal refreshe the grasse and make the medowes moche better.

Cano

Durueyenge.

Another maner of mending of meadowes is, if there be any rynnynge water or lande flode/that may be set or brought to ronne ouer the meadowes/ from the tyme that they be mowen vnto the beginnyng of May/ they wyl be moche the better, and it shall kyl/drowne/ and dryue a way the moldy warpes, and fylle vp the lowe places with sandes and make the grounde euyne and good to mowe. All maner of waters be good/so that they stande nat styl vpon the grounde. But specially that water that cometh out of a towne from euery mans myddynge or donghyl is best, and wyl make the meadowes most rankest. And fro the begynnyng of May tyll the meadowes be mowen the hay gotten in the waters wolde be set by ronne another way for dyuers considerati-
ons.&c.

To amende and make better/dyuers maners of pastures.

It is vndouted that there be dyuers maners of pastures/as lowe groude lyke medowe groude, ley groude, the which hath ben errable groude of late, busshy groude/the which somtime hath ben errable groude busshy groude the which was neuer errable groude/gozsy groude the wiche hath ben errable groude, gozsy groude/the which was neuer errable. Brome groude heyth groude marrys groude chalke groude / flyntie groude, chylturne

To

grounde and lymestone grounde.

To amende lowe grounde lyke
medowe grounde.

The Mall do by it, as I haue shewed you in
the next chappter before of your medowes / &
if any water stande still and wyl nat voyde /
make a dyche. ii. or thre / as nede shal requyre /
and opyn the sides of the dyche that the water
may come in to it. Conuey the water awaye /
and with a ploughe make diuers forowes fro
the said dyche vp in to the pasture, where the
water standeth, and with a Carte, a wayne /
or a slepde / cary away therthe that the plough
fourneth vp / or els it wyl stoppe the water on
the one syde, and if the ploughe forowe be to
lytell, than make dyuers small dychesse and
open them on bothe sydes / so that thou leaue
no water standyng in the pasture no tyme of
the yere. And melche kye, draught oxen, labo-
rynge horses and mares be most conuenient
to go together in suche pastures.

Howe to amende ley grounde, the whiche
hath ben errable lande of late.

Cap. xxvii.

The must take hede howe the leyse lye / and
specially that they lye nat to hyghe / for and
they do / it is more profite to the husbande to
cast it downe agayne / and sowe it with otes
one yere, two, or thre, and to ley it lower
and

Duraenge.

and rounde in good temper, and se that no
water stande at the landes endes / buttynge
on the heed landes / and if it so do, than with
a ploughe cast a fowwe towarde the heed lan-
des / and than the water wyll folowe that fo-
rowe and make the landes drie. But that fo-
rowe wyl nat serue past one or two yeres / but
it must be renewed. And if it were mossye in
wynter / than wolde it be plowed agayne and
sowen with dyuers cornes / as the grounde re-
quyeth. And at the first plowynge it wolde be
plowed a square fowwe / as dep as it is brode
and layde flatte & sowen with otes, that the
mosse may rote / & than to lye fallowe one yere,
& than to be sowen with wheat, rye / or barley,
as the husbände thynketh most conuenient.
And if it shulde lye fallowe the fyrste yere, the
mosse wil nat rotte / & at winter it wil be wete
& drowne al the wheate & rye that it toucheth.
And if a mā haue plentie of such pasture / that
wil be mossye euery .iii. yere / let hym bryke vp
a newe pise of grounde & plowe it & sowe it (as
I haue sayd before) and he shall haue plentie
of corne with lytell dongyng / and sowe it no
lengare than it wil beare plentie of corne with-
out donge, & it wyll beare moche better grasse
.x. or .xii. yere after. And if the leyse be to brode,
than make two lādis of one lande (as I haue
sayd before) And thepe are the most conueni-
ent catell that may go on suche pasture, and
best they wyll amende the grasse, and to take
good hede that ye suffre nouthur byeres / nor
blacke thornes / nor none other maner of bus-
shes

mes to growe in poure pastures, & specially
by the hedges. &c.

How to amende busshy grounde & mossye,
that hath ben errable lande of olde
tyme **Cap. xxviii.**

There is none other remedy / but to stocke
and gette vp the busshes by the rotes, and the
lande plowed and sowne (as I haue sayde
before) the reyft gronde if it be dye wil bring
moche coine, for the mosse wyll rotte, & the
mole hylockes wyll amende the grounde wel.
And yf there be any marle pyttes / that haue
be made of olde tyme within the same close /
than whan the landes begynne to weare / if he
haue nat sufficient of such busshye and mossye
grounde to bryke vp and sowe, than there
wolde be newe marle pyttes made and the
landes newe marled the which is moch better
than outhur donge / mucke / or lyme, for it
wyll laste twentie yerres togyder if it be well
done, and shall be the better whyle it is lande.
And I maruayle greatly that in the common
feldes / where of olde tyme hath ben made
many great marle pyttes / the which hath done
moche good to the landes, that now a dayes
no mā doth occupy them / ne make none other,
& they nede nat to doute, but there is marle
nowe aswell as was than, but as me semeth
there be two causes why, one is, the tenants
be so doutefull of theyr lande lordes, that if
they shulde marle and make theyr holdynges
moche

Durueyenge.

moche better/they feare leest they shuld be put out/or make a great fine / or els to paye more rent. And if a loyde so do, me semeth he is unreasonable, seynge that it was done all at the costes of his tenaunt, and nat at his. The seconde cause is, that men be disposed to ydelnesse/and wyl nat labour, as they haue done in tymes past/but passe forth the tyme as his father dyd before hym, but yet me semeth a freholder shulde nat be of that condicion, for he is in a suretie, his chiefe loyde can nat put hym out doyng his duetie. And he knoweth well, he shal take the profite whyle he liueth/and his heires after him/a corage to improwe his owne, the whiche is as good as he had purchased as moche as the improwment cometh to. And one man this doyng/wolde gyue other men a corage and a good example to folowe the same. And all other countreis may take ensample at Chestershire & Lancastershire/for many of them that haue so doone, haue made the improwment as good as the lande was before. &c.

How a man shuld amende busshy grounde/ that was neuer errable lande. Cap. xxix.

The must consyder what the grounde is disposed vnto, and whether it be drye or wete/ or be disposed to beare woode, grasse, or corne. If it be dry and full of grauell, it is better to beare woode/than outhere corne or grasse. If it be weate grounde, it is nat good for corne: but

but it wil beare bothe woode and grasse. But
and it be a blacke erthe and dry, it is good fo
corne/and it wyl quyte the cost to stocke it by
by the rotes, and to sowe it with corne. And
if it be whyte cley/it is most comenly a weate
grounde, and than it is nat good for corne/
but it wyl beare bothe woode and grasse: and
an acre of woode his as good an acre of corne
grounde/or of grasse/ & in some places moch bet
ter. And if ye wil increase the said busshy groun
de/ & to make moze woode: than bitwene My
ghelmas & Martilmas/ye must gather many
akehoynes/ & put the in erthen pottes/for those
wil kepe the moist/ & in February & March set
the said akehoynes i the said busshes/as thicke
as ye wyl, & vndouted they wyl growe. And
also ye may gette the keys of alshes, nuttes/
and suche other/and set them in lyke maner/ &
to kepe all maner of catell that wyl eat any
woode out of the same grounde tyll it be past
daunger of catell. &c.

CHow to amende woode grounde that
lyeth in seueral pasture.

Cap. xxx.

If they be great olde trees/if ye felle them
by the erthe, there wyl neuer come any spring
of them by agayne/except they haue many
smalle pumple and springes about the rotes.
And therfoze suche olde trees wolde be but
lopped and cropped/to beare moze woode stil/
and if it be a good grounde to beare corne/ &

Surueyenge.

be but a fewe trees/ than it were best to stocke them vp by the rotes, and to plowe it and sow it. And if it be but yonge woode, ye may chose whether ye wyl lye it, loppe it / or troppe it / or fell it by the erthe. And if ye felle it by the erthe, and kepe the sprynge well, ye shall haue for euery tree two or thre trees, so that it be felde at a bewe season of the yere / & that is bytwene Lancelmas and May / wher of I haue spoken sufficiently ynoughe in the booke of husbandrye.

How to amende gozly grounde that hath ben errable lande. Cap. xxxi.

Tye shall vnderstande that there be two maner of gozse, and some men calle them fyse. One maner wyl growe on drie grounde / and that maner wyl growe as hyghe as a man, and haue a great stalke as moch as a walking staffe, and if ye wyl suffre them to growe and fell them nat / by processe of tyme whā beestes go among them / and specially in wynter tyme for colde / & in somer for shade / that wyl cause them to dye. And many tymes and longe continuall frost in wynter wyl kyll these maner of gozse : and whan they be deed, if ye plowe the lande agayne and sow it with corne / whā it lyeth ley agayne, the gozse wyl growe again. And the best remedy for growing again / is to put vpon suche maner of pasture many shepe to eat it bare / but in many places they set great store by those maner of gozse / and
Specially

Specially for theyr fewel: and wolde nat gyue
an acre of gozsty lande for two acres of erra-
ble lande. And on that maner of gozsty lande
wolde growe good coyne with lytell donge, &
it is moze profyte to plowe it and sowe it, thā
to lye ley, except he kepe it for his fewell/ and
they growe most comenly vpon drie grounde,
somwhat sandy or grauilly, and thepe is the
most conuenient catel that may go vpon such
pasture.

Howē to amende gozstye lande / that
was neuer errable lande.

Cap. xxxii

If the grounde be drie and growe full of
such maner of gozse with the great stalkes/ye
be at your lybertie to do as I haue sayde/and
if it be of the other manere of gozse or fyse,
the wiche growelowe by the erthe, and haue
but litell small stalkes / that maner of gozse
groweth alway on welspyrng grounde, som-
what moyste and weate, and it wyll neuer
beare good coyne, but hewe it vp to bake and
breme withall, for it well nat lightly be dis-
troyed, for yf it be brende it wyll growe as
gayne. But and there be marle vnderneath in
the grounde within the same close/yf ye make
coste/ than bren the gozse at Marche / & with
a bygge and many oxen, plowe it and make
small landes/ and than marle them and sowe
them with ootes, for that coyne wyll growe
best on such gronde. And if this wil nat serue

It is

it is

Surueyenge.

it is passe remedy / for marle mendeth all maner of grounde but it is costely. &c.

Howe to amende brome grounde.

Cap. xxxiii.

Brome groweth alwaye vpon drie and sandy grounde and it wil beare good eye and without it be donged with the carte or with the shepe folde / or both. And if ye let it lye & plowe it otes but it wil not endure to beare corne long / nat, the brome wil come agayne / & shepe is the best catel to holde it vnder, but neuer the lesse it wil growe. whā it is growen of a yerde of heygth or more, than it is good to bake & brewe with / & specially whā a house is thacked to take the brome & make it in qrters of a yerde longe or there about / & prycke the in to the thacke by and by / & couer the thacke clene ouer, and it shall bothe kepe out weate and also saue it from pullynge downe with crows pyes dawes or choughes. And if ye wolde distroy it whan it is growen thre or foure fote of height / than about saint James day fell it a fote aboue therthe / or more / and than the stalke wyll dye for a good season, but yf it be plowed agayne, it wyll growe as fast as euer it dyd / whā ye leaue plowynge.

Howe to amende heyth grounde.

Cap. xxxiiii.

Eye shal vnderstand that there be four maners

ners of heith growde. s. heyth growyng vpon
gravel, and heyth growyng vpon sande/these
two maner of heyth groundes wyl beare no
coyne without moche donge or mucke, for syl-
dome is there any marle vnder that maner of
heyth. And in many countreis where plentie
of lyme stone is, the husbandes do bren the
lyme stone with woode and secole, and make
lyme therof, and do set it vpon theyr landes
as they do theyr dong, and do sprede it in lyke
maner, the which they calle moche better tha
donge/for lyme is hote of him selfe. The other
two maners of heyth is heyth growyng vpon
white cley grounde, and heyth growyng vpon
blacke erthe / that lyeth lowe lyke marris
grounde / and vnderneath these two maner of
heyth groundes / there lyeth moost communly
marle. Than brenne the heyth & serche for the
marle/ and dygge it vp and ley it thicke vpon
the gronde and sprede it/and tha plowe it and
sowe it, and it is moche better than outhere
lyme/mucke/or any maner of donge / & lengar
it wyl last, and se that there be no water stan-
dyng vpon the sayd grounde. &c.

How to amende marris grounde.

Capit. xxxv.

Where is none other remedy / but fyrste to
drye the water clene awaye. And this is a
good meane to drye the water clene a way.
Fyrst in the lowest close where the water may
be beste auoyded, make a great dyche and a
depe

Duruepunge.

depe that the water maye auoyde. And if al the water wyll nat come to that great dyche but stande styll in dyuers places/thanne make many small dyches one in to another, from the sayde standynge waters / so that all these standynge waters maye come into the great dyche / and that by reason shulde drye the water clene. And in a dyce somer ye may make many brode and depe dyches and seuer the marris in dyuers pastures / and make bridges ouer the dyches in to euery close / and dyuers lanes made lyke a causey to conuey the catell in to the pastures, so that one causey or lane / may serue the closes or pastures on bothe sydes. And in the lowest place of euery close or pasture, make a trenche or a lytell dyche in to the great dyche that gothe about. And this shal ye make by processe good pastures of marres grounde, and euer the lengar the better pastures: and specially, yf ye put in so moche catell / it shal make the better grasse and the fyner. And melche kye, draught oxen, and labouryng hoyses / is the best catel to make good pasture on marres grounde, and shepe on dry grounde, for they wyll eate the grounde most barest, and that causeth the grasse to be good and fyne. And if this maner of dychynge wyll nat make the marres grounde drye / than must you make a sough vnderneath therthe as men do to gette cole / yron / stonne, leed, or tyn. And if that wyll nat serue, than kepe out your catell for feare of downynge. &c.

Chow

**How to amende brome grounde
and ferne grounde.**

Cap. xxxvi.

Brome grounde / and ferne grounde, be
moche of one nature, for they growe on san
dye and drie grounde: And they wyl bere
good rye, barley / bygge, or beye, and otes
if they be donged with shepe, carte or wayne:
For suche lyght grounde wyl soone weare &
washe with water, yf it be nat donged. And
yf they lye unplowed they wyl growe full of
brome and ferne: if ye wyl destroy the brome
whan it is growen thre or foure fote hie, In
Mydsomer woone or soone after whan it is
full blomed, with a hedgyng byll cut the
stalkes halfe a yerde about the erth/so that ye
leaueno grene stalke growyng vpon the rote/
and that wyl cause it to dye. But and ye
plowe it a gayne and after let it lye it wyl
growe agayne, and if ye mowe ferne whan it
is yonge, so that it be mowen before Mydsom
mer, by vse of such mowynge, it wyl weare
a waye.

**Of chylturne grounde flyntie gronde and
chalke grounde. Cap. xxxvii.**

Chylturne grounde and flyntie grounde
be light groundes and drie, and full of smalle
stones / and chalke grounde is moche of the
same nature/and they wyl weare and washe
awaye with water. And therfore they wolde
be

Duruepence.

be donged, as the brome & fenne groundes
be/for marle is seldome founde in these maner
of groundes. And therfore, if ye want shepe &
donge/they wolde lye ley and rest them that
they may mende with lyege.

Of lyme stonne grounde. Cap. xxxviii

Time stonne grounde is very good / both
for corne and grasse / and yet in some places
there wil moch heyth growe vpon lyme stonne
grounde, and that is longe of yll husbandry.
For and that heyth were brenned/plowed / &
sowed the first yere with otes, and than falow
wed and sowed with wheate/rye/and barley/
and after with beanes or pees, it wyll beare
moch corne with litel dong/& shal beare alway
after the better grasse. And shepe is the best ca
tell that can go vpon any of these sixe maner
of groundes, and best they wyll amende the
grasse, and kepe them selfe from rotynge. And
he that hath lymestone/ may bren it with cole
and wode and make lyme, wherwith he may
lyme his grounde/and that wyl bynge good
corne, or he may sell his lyme at his pleasure.

**What profytes may come or growe
to the lord by reason of his
waters. Capi.**

xxxix.

Whyt ye shall vnderstande, that there be
dyuers maners of waters: that is to say/stand
dngs

ding waters/as pooles/meyres/moottes/and
stewes. And also ronnyng waters / as great
ryuers / smalle ryuers, brokes / suches wel-
sprynges/and pyttes:than what profyte maye
come to the lord of them. The lord may set
the fylthynges of all these sayd waters to his
tenauntes for certayne rent / & he may reserue
to hym selfe certayne fylthe, or to fylthe cer-
tayne tymes/or at any tyme at his pleasure.

¶ The maner to make dyuers maners of
mylnes. Cap. xi.

¶ Also vpon these waters, the lord may
set dyuers maner of mylnes/the whiche may
be to the lordes great ease & profit. As vpon
the great ryuers, corne mylnes that be called
ground mylnes, and they be called grounde
mylnes/ bycause the ouersyde of the heed sylle
lieth eyn leuel with the ouerside of the groude
in the bottom of the water. And also fullpyn-
g mylnes/otherwysse called walkmylnes, maye
be made in lyke maner / and stande also vpon
the great ryuers. And than one whele is able
to dyue. ii. stockes that is to say / bothe a po-
tyere & a faller the faller both to scoure & heres-
ly, & the potyere to thicke the clothe. And com-
menly these mylnes, be nat set vpon the great
stremes of the great ryuers, but a great parte
of water is conueyed out of the great streme
by a milne fleme made with mans hande to a
certayne place / where wysemen thynke the
mylne most conuenient to be set, and the said
water

Turnepenge.

water to be holden vp & brought to the sayde
milne/by reason and setting of a weyre ouer
wart the sayd streame/made of troupe/tymber,
or stone, or of bothe. And whan it is past the
mylne with a sufficient fall of the water/that
the milne stonde nat in backe water/ to retorne
in to the riuer againe. And in many places the
said mylnes be set on the one side of the great
ryuer, and a weyre made of tymber and stone
to holde vp the water to the mylne/the which
is a great cost, and many tymes it wil stande
in lacke of water that it maye nat well go at
a great flode, except the grounde warke be
made very hie. But they be profitable both in
grindynge of corne and fullynge of clothe, and
in takynge of moche fysh. And in like maner
these sayd two maner of mylnes may be sette
vpon smale ryuers, without any flemie cas-
tyng, but al onely his weyre to holde vp the
water, and his flode gates to let it go at a
flode, whan nede shall requyre. Also there be
two maner of corne mylnes, that is to saye: a
breste mylne/ & an ouer shotte mylne/ and those
two maner of mylnes be set and go most com-
menly vpon smale brokes / and vpon great
pooles and meyes. And they haue alwaye a
brode bowe a fote brode & more. & the ladelles
be alwaye shrowded with copast boxes on both
sydes to holde in the water, and than they be
called bohettes. And they must be set moche
nearer to guyder than the ladelles be, & moche
more a floope downewarde, to holde moche
water that it fall nat out, for it dryeth the
whele

the fote longe and a fote brode, and to draw
 vp his draught gate nyne or tenne inches is
 sufficient. And than shall nat the bowe of the
 whele be hydde nor couered in the water, and
 than hit gothe swyftely. And vpon the great
 ryuers the laddels may be an elne longe, but
 for the weyght & drawyng vp of the draught
 gate. &c. The greater compasse the whele is,
 the lasse water wil dysue it/ but hit wil nat go
 so ofte about as a lytell whele wyll do. But
 the cogge whele in a corne mylne, is a great
 helper, if it be well pyched, well cogged, and
 well ronge, sixe ronge and. xlviii. cogges,
 are best for a great ryuer. For than the mylne
 ston gothe eyght tymes about and the water
 whele but ones, and euery ronge kepeth his
 owne cogge/et econtra: and changeth nat on
 any syde. And for a meane water sixe ronge
 and. xlii. cogges is best. And for the ouershot
 mylne syxe ronge and. xxxvi. cogges is best.
 For the cogge whele may nat be of so great a
 compasse as the other cogge wheles be. And
 in all these pyches, euery cogge kepeth his
 owne ronge. And if ye putte in any whele a
 cogge or two cogges, mo or lasse: than as I
 haue sayde, shall euery cogge chaunge his
 ronge at all tymes, so that it be nat very tru-
 ly pyched it wyll nat go wel, and if it fortune
 to breke a cogge, as it is lyke to do/ hit wyll
 thanne breake many of them, except he shote
 downe his draught gate shortly, and lykewise
 a wyndmylne. Howe be it a wyndmylne hath
 neuer vnder. xlviii. cogges or. lvi. &c. but they
 must

Surueynge.

must be so pyked / that every cogge kepe his owne ronge, and scayn ronges are nat profytable for they go lately. Of horse mylnes I do nat speake of the makynge / for I haue nat the experience of them, as I haue of water mylnes.

Also the lordes and their tenants haue an other maner of profyte by reason of these waters, ouer and besyde these maner of mylnes or spyllynge, and that is by reason of the watrynge of their catell and beastes bothe wynter and sommer, and specially of the rynnynge waters, as ryuers, brokes, succes, and welspynge, for they done seldome frese or neuer / and they wyll be colde in somer and warme in wynter, and if a close want water it hath a great meame & is moche the worse.

Furthermore it is coueniēt for a surueiour that whan he hath surueied his lordes lādes, and sene what profytes and approwmentes may ryse and be made within the same / that he shewe his lord thetherof and aduise hym to do it, and to make the cost. For it is vndoubted, that a man can nat make no surer purchase of any maner of lande, better tytell, nor lyghter coste, nor more aduantage to hym selfe, than to improwe / amende, & make better / his owne olde enherytance. I meane nat by the heyghtynge, reysynge, or increasynge of the rentes of theyr tenauntes / but al onely in mendynge & makynge better his errable lādes, medowes / leyse / & pastures, & in making of water milnes / windmilnes / horse milnes

nes/fulling milnes/sith milnes/cutler milnes/
be it by water or draught of horses, smethy
mylne/ or suche other. And also of gettyng of
al maner of profites, as well vnder the erthe
as aboue (as befoze is remembred) in the sixte
chappyter.

And by the reason of these improwemētes
me semeth a man might make euery towne-
shippe that standeth in the playne champpon
countre & occupied in tyllage halfe as good
agayne in all maner of profytes to the tenā-
tes as it was befoze, if the lordes ther of and
their tenātes can agre of the costes that shuld
be made therof. And neuer a house nor cottage
to be decayed nor lette downe/and to haue as
moche lande in tyllage and plowing as there
was befoze/and theyr coyne and grasse shulde
be better saued and kept from distroyenge.

Howe to make a township that is
woꝛthe. xx. marke a yere woꝛth.
xx. li. a yere. Cap. xli.

It is vndouted that to euery townshyppe
that standeth in tyllage in the playne coun-
tre / there be errable landes to plowe and
sowe, and leyse to tye or tedder theyr horses
and mares vpon/and comen pasture to kepe
and pasture theyr catel/beestes, & shepe vpon.
And also they haue medowe grounde to get
theyr hey vpon. Chan to let it be knowē how
many acres of errable lande euery man hath
in tyllage, & of the same acres in euery felde

Surueynge.

must be so pycked / that euery cogge kepe his owne ronge, and scayn rongs are nat profytable for they go lately. Of horse mylnes I do nat speake of the makynge / for I haue nat the experience of them, as I haue of water mylnes.

Also the lordes and their tenants haue another maner of profyte by reason of these waters, ouer and belyde these maner of mylnes or spyllynge, and that is by reason of the watrynge of their catell and beastes bothe wynter and sommer, and specially of the rynnynge waters, as ryuers, brokes, succes, and wellspringes, for they done seldome frese or neuer / and they wyll be colde in somer and warme in wynter, and if a close want water it hath a great meame & is moche the worse.

Furthermore it is coueniēt for a surueiour that whan he hath surueied his lordes lādes, and sene what profytes and approwmentes may ryse and be made within the same / that he shewe his lord therof and aduyse hym to do it, and to make the cost. For it is vndoubted, that a man can nat make no surer purchase of any maner of lande, better tytell, nor lyghter coste, nor moze aduauntage to hym selfe, than to improwe / amende, & make better / his owne olde enherytance. I meane nat by the heyghtnyng, reysynge, or increasynge of the rentes of theyr tenauntes / but al onely in mendynge & makynge better his errable lādes, medowes / leyse / & pastures, & in making of water milnes / windmilnes / horse milnes

nes/fulling milnes/sith milnes/cutler milnes/
be it by water oz draught of horses, smethy
mylms/ oz suche other. And also of gettyng of
al maner of profites, as well vnder the erthe
as aboue (as befoze is remembred) in the sixte
chapyter.

And by the reason of these improwementes
me semeth a man might make euery towne-
shippe that standeth in the playne champpon
countre & occupied in tyllage halfe as good
agayne in all maner of profytes to the tenā-
tes as it was befoze, if the lordes ther of and
their tenātes can agre of the costes that shuld
be made therof. And neuer a house nor cottage
to be decayed nor lette downe/and to haue as
moche lande in tyllage and plowinge as there
was befoze/and theyr cozne and grasse shulde
be better saued and kept from distroyenge.

Howe to make a township that is
woythe. xx. marke a pere woith.
xx. li. a pere. Cap. xli.

It is vndouted that to euery townshyppe
that standeth in tyllage in the playne coun-
trei / there be errable landes to plowe and
sowe, and leyse to tye oz tedder theyr horses
and mares vpon/and comen pasture to kepe
and pasture theyr catel/beestes, & shepe vpon.
And also they haue medowe grounde to get
theyr hey vpon. Than to let it be knowen how
many acres of errable lande euery man hath
in tyllage, & of the same acres in euery felde

Surueynge.

to chaunge with his neyghbours/and to leye them toguyther and to make hym one seuerall close in euery felde, for his errable landes & his leysle in euery felde, to ley them toguyther in one felde / & to make one seuerall close for them all. And also another seuerall close for his porcion of his commen pasture, and also his porcion of his medowe in a seuerall close by it selfe, and al kept in seuerall both in wynter and somer, & euery cottage shal haue his porcion assigned hym accorดยnge to his rent, and than shal nat the ryche man ouerspresse the poore man with his catell, & euery man may eate his owne close at his pleasure. And vndouted, that hay and strawe that wil fynde one beest in the house wyl fynde two beestes in the close, and better they shal lyke. For those beestes in the house haue short heer and thynne, and towarde Marche they wyl pylle and be bare. And therfore they may nat abyde in the felde before the heerdmen in winter tyme for colde. And those that lie in a close vnder a hedge haue longe heare and thicke, and they wyl neuer pylle nor be bare, and by this reason the husbande maye kepe twyse so many catell as he dyd before.

This is the cause of this approwement. Nowe euery husbande hath sixe seuerall closes, wherof. iiii. be for corne, the fourthe for his leysle, the fyfte for his commen pastures, and the sixte for his haye: and in wynter time there is but one occupied with corne, and tha hath the husbande other fyue, to occupy tylle
lente

lent come/ and than he hath his calowe felde,
his ley felde/and his pasture felde all sommer.
And whan he hath mowen his medowe/than
he hath his medowe grounde, so that and he
haue any weyke catel that wold be amended,
or dyuers maner of catel/ he may put them in
any close he wyll, the whiche is a great aduan-
tage, and if all shulde lye comen/ than wolde
the edysse of the corne feldes and the afters
math of all the medowes be eaten in .x. or .xii.
dayes. And the ryche men that hath moche ca-
tell, wolde haue the aduantage/ and the poore
man can haue no helpe nor relese in wynter,
whan he hath mooste nede. And if an acre of
lande be worthe sixe pens or it be enclosed, it
wyll be worth. viii. pens/whan it is enclosed,
by reason of the comystyng and dongyng of
the catell, that shal go & lye vpon it both day &
nighte. And if any of his thre closes that he
hath for his corne be woyn or ware bare/thā
he may bryke and plowe vp his close that he
hadde for his leyse, or the close that he hadde
for his commen pasture, or bothe / and sowe
them with corne/ & let the other lye for a time,
and so shal he haue alway reist grounde, the
whiche wil beare moche corne with lytel dōge,
and also he shal haue great profyt of the wode
in the hedges whan it is growen, and nat all
onely these profytes & aduantages beforesaid,
but he shal saue moche more than al these/for
by reason of these closes, he shal saue meate,
drynke/and wages of a shepeherde, the wages
of the heerdman, and the wages of the swine

Surueyenge.

heerde, the whiche may fortune to be as chargeable as all his holle rent, and also his corne shall be better saued fro eatynge or distroyng with catell. For dout ye nat, but heerdemen with their catell, shepherdes with their shepe, & tyenge of horses & mares, distropeth moche corne/the which the hedges wolde saue. Parauenture some men wolde say/that this shulde be agaynst the comen weale/bicause the shepe heerdmen, heerdemen, & swyne heerdmen, shulde than be put out of wages. To that it may be answered, though those occupacyons be nat vsed, there be as many newe occupacyōs that were nat vsed before. As gettyng of quicke settes/diching/hedgynge/& plassyng/the which the same men may vse & occuppe. Also it maye fortune men wyl say, that & all shuld be enclosed, that there wolde be many foule lanes as there be in Essex:but for that there may be a prouision/& that is thus,where the kinges hie way is/if it be drie grounde/stony grounde/or sandy groude, in al such places may be lanes made of a conuenient brede, for the kynges people to passe thorowe with all maner of carriage.And where it is soft grounde lyenge leuel, that the waters may nat wel passe by the ditchesse / at every hedge that goth ouerhwart the hyeway there to make a gate, & stone it or grauel it in that place.And thā hath every mā the hole close to ride/cary/or go in/as they had before/likewise as they do at the wynde gates a this syde Choxley in Lancastyre, & lyke wyse bytwene towne & towne, & as to their owne
Dyff

dyff lanes to their closes / let them make the
for their owne ease as they wil haue them. &c.

The most indifferentest meane to make
these approwmentes / as me semeth is this.

All the lordis of one towne, be there neuer so
many, shulde be all of one assente, that they
tenauntes shulde exchaunge theyr landes one
with another / & the sayd exchaunge to stande
and endure for euer, for dout them nat / but
they knowe it best, and every tenaunt for his
owne aduantage wyl do it indifferently / &
the curate of the same parishe for his parte /
and every lordes bayly to be indifferent, to se
these closes lotted & assigned to euery mans
ease, so that euery man maye haue one lytell
croft or close next to his owne house / if it may
be, thoughe he haue no lande of his owne.

This done / lette every lord by his coppe of
court role or by indenture, to make a suffici-
ent lease to euery of theyr tenauntes, to haue
to hym and to his wyfe and to his children /
so that it passe nat thre lyues / than beyng a
lyne and named. yeldyng and payeng to their
lordes and to theyr heyres, the olde rentes &
seruyces, before due and accustomed, during
those thre lyues, vpon this condicion, That
they shall do or cause to be done / durynge their
lyues / sufficiently to quicke set, dyche / hedge /
and plashe, whan nede is, al the sayd closes,
and so kepe them durynge theyr lyues, the
which wyl be a great charge to the tenants.
But yet me semeth they may wel do it / if they
entende to thryue, and specially do remembre

Sueruepence.

the profites that may come to the after ward.
 There is an olde sayeng. Quod leuis est labor
 cum lucro / that is to say. That labour is light
 where winnyng foloweth / and moche of this
 labour may be done by hym selfe and his ser-
 nautes / at a conuenient tyme / so that he let
 nat his husbandry. It is to moche to be done
 in one yere / two / or thre, but and they may do
 it in sixe or .ix. yerres / as the felde go about /
 they hye them well, for it is to costely for hus-
 bandes to hye it to be done. And the lordes,
 me semeth / canne do no lasse, than to graunt
 them these thre yues of the olde rent / remem-
 bynge what profytes they may haue at the
 ende of theyr termes, they knowe nat howe
 soone. For vndouted / on sette day cometh at
 last, & thoughe the aduantage of the lordes
 come nat anone / it wyl come at length. And
 therfore saythe the philosopher. Quod differ-
 tur non aufertur, that thyng that is differ-
 red is nat taken awaye, & in the meane tyme
 the lordes haue no maner of losse / nor yette
 make no costes, but at theyr pleasure.

¶ Londini in edibus Thome Ber-
 theleti, prope aquagium sitis
 sub interfigno Lucre-
 cie Romane
 excus.

CVM PRIVILEGIO

grat. et nat. hanc in mor-
 bi. od. fere. sapendo. In
 domo. f. l. sapientis non y

